2. Highway Department: The general fund now pays for $3.6 million (about 40 percent) of the annual operating expenses of the Department of Highways and Traffic. Although a small part of this relates to nonhighway activities,[5] most of it relates to purely highway activities—street lighting, traffic signals, etc.—and is properly paid for out of the highway fund.

3. Department of Sanitary Engineering: The highway fund pays for snow removal, but otherwise the expenses of street cleaning and the costs of relocating sewers because of highway contruction are paid for by the general fund. These maintenance and construction costs likewise properly should be financed from the highway fund.

4. Other expenses: Numerous other expenses arising because of highway use or construction are also carried by the general fund rather than the highway fund. These include such items as the costs of studying air pollution problems. Still other public obligations—such as the expenses of relocating families displaced by highway construction—should also be paid by the highway fund; instead, they are being neglected.

[5] The Highway Department is responsible for maintaining telephone and radio communications for the District Government.

SENATE

TUESDAY, MAY 1, 1962

The Senate met at 12 o'clock meridian, and was called to order by Hon. LEE METCALF, a Senator from the State of Montana.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

God, our Father, in a world filled with sights that sadden and problems that perplex, may our hearts be strengthened by the realization that ours is also a time of splendor, bright with promise as we stand at the portal of a more glorious tomorrow.

Remind us of the better aspects of the civilization out of which we have come, which even now with new vitality is beating back the rampant powers of slavish barbarism.

May the crashing of outworn things that are falling to earth not hide from our eyes the coming of a new era struggling to birth.

If this weary flesh of ours, faced by determined foes, should fear or falter, keep us firm and steadfast, as in the global battle now raging we put on the whole armor of faith and hope and love.

We ask it in the dear Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 1, 1962.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. LEE METCALF, a Senator from the State of Montana, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. METCALF thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Monday, April 30, 1962, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H.R. 3008) for the relief of Hom Hong Hing, also known as Tommy Joe.

LIMITATION OF DEBATE DURING MORNING HOUR

On request of Mr. MANSFIELD, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

INTERSTATE COMMERCE—DRAFTS OF PROPOSED LEGISLATION

A letter from the Secretary of Commerce, transmitting two drafts of proposed legislation, as follows:

A bill to provide for strengthening and improving the national transportation system, and for other purposes; and

A bill to exempt certain carriers from minimum rate regulation in the transportation of bulk commodities, agricultural and fishery products, and passengers, and for other purposes (with accompanying papers); to the Committee on Commerce.

EMPLOYMENT OF RETIRED FOREIGN SERVICE OFFICERS AS ADVISERS TO FOREIGN GOVERNMENTS

A letter from the Secretary of State, transmitting a draft of proposed legislation to authorize retired Foreign Service officers to accept, with the authorization of the Secretary of State, employment as advisers to foreign governments (with an accompanying paper); to the Committee on Foreign Relations.

REPORT ON REVIEW OF CENTRAL REBUILD OF WORLD WAR II VEHICLES AND ASSEMBLIES IN THE PACIFIC AREA COMMAND

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a classified report on the review of central rebuild of World War II vehicles and assemblies in the Pacific area command under the military assistance program (with an accompanying report); to the Committee on Government Operations.

AUDIT REPORT ON CENTRAL VALLEY BASIN, CALIF., REVENUE-PRODUCING WATER RESOURCES DEVELOPMENT PROJECTS, BUREAU OF RECLAMATION

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Central Valley Basin, Calif., revenue-producing water resources development projects, Bureau of Reclamation, Department of the Interior, and Corps of Engineers (Civil Functions), Department of the Army, fiscal year 1960 (with an accompanying report); to the Committee on Government Operations.

REPORT ON TORT CLAIMS PAID BY STATE DEPARTMENT

A letter from the Secretary of State, transmitting, pursuant to law, a report on tort claims paid by that Department during the calendar year 1961 (with an accompanying report); to the Committee on the Judiciary.

DUAL COMPENSATION ACT OF 1962

A letter from the Chairman, U.S. Civil Service Commission, Washington, D.C., transmitting a draft of proposed legislation to simplify, modernize, and consolidate the laws relating to the employment of civilians in more than one position and the laws concerning the civilian employment of retired members of the uniformed services, and for other purposes (with accompanying papers); to the Committee on Post Office and Civil Service.

PETITION

The ACTING PRESIDENT pro tempore laid before the Senate a resolution adopted by the New Jersey State Patrolmen's Benevolent Association, Inc., of Morristown, N.J., relating to alleged charges of police brutality, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. METCALF, from the Committee on Interior and Insular Affairs, with amendments:

S. 1316. A bill to improve the land tenure patterns of the Fort Belknap Reservation (Rept. No. 1372).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, without amendment:

S. 2696. A bill to correct certain land descriptions in the act entitled "An act to declare that the United States holds in trust for the pueblos of Santa Ana, Zia, Jemez, San Felipe, Santo Domingo, Cochiti, Isleta, and San Ildefonso certain public domain lands" (Rept. No. 1373).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 2179. A bill to amend section 9(d)(1) of the Reclamation Project Act of 1939 (53 Stat. 1187; 43 U.S.C. 485), to make additional provision for irrigation blocks, and for other purposes (Rept. No. 1377).

By Mr. CHURCH, from the Committee on Interior and Insular Affairs, without amendment:

S. 2893. A bill to declare that certain land of the United States is held by the United States in trust for the Prairie Band of Potawatomi Indians in Kansas (Rept. No. 1374).

By Mr. CHURCH, from the Committee on Interior and Insular Affairs, with amendments:

S. 2895. A bill to provide for the conveyance of certain lands of the Minnesota Chippewa Tribe of Indians to the Little Flower Mission of the St. Cloud Diocese (Rept. No. 1375).

By Mr. DWORSHAK, from the Committee on Interior and Insular Affairs, with amendments:

S. 2665. A bill to authorize the Secretary of the Interior to enter into an amendatory contract with the Burley Irrigation District, and for other purposes (Rept. No. 1378).

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 8030. An act to amend the act admitting the State of Washington into the Union in order to authorize the use of funds from the disposition of certain lands for the construction of State charitable, educational, penal, or reformatory institutions (Rept. No. 1379); and

H.R. 9805. An act to change the name of Whitman National Monument to Whitman Mission National Historic Site (Rept. No. 1380).

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 1605. A bill to authorize the Federal Power Commission to delegate its functions (Rept. No. 1376).

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. JOHNSTON, from the Joint Select Committee on the Disposition of Papers in the Executive Departments, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Archivist of the United States, dated April 13, 1962, that appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAVEZ:

S. 3231. A bill to enable the Secretary of Agriculture to construct and maintain an adequate system of roads and trails for the national forests, and for other purposes; to the Committee on Public Works.

By Mr. HUMPHREY:

S. 3232. A bill to amend section 33 of the Federal Employees' Compensation Act so as to provide a system of safety rules, regulations, and safety inspection and training, and for other purposes; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. HUMPHREY when he introduced the above bill, which appear under a separate heading.)

By Mr. MORSE:

S. 3233. A bill to amend the District of Columbia minimum wage law to provide broader coverage, improved standards of minimum wage and maximum hours protection, and improved means of enforcement; to the Committee on the District of Columbia; and

S. 3234. A bill to provide that no State shall impose any poll tax, property tax or any property ownership qualification or property tax, or any literacy or intelligence test as a condition of the right of any citizen to vote at any election for a Federal officer; to the Committee on Rules and Administration.

(See the remarks of Mr. MORSE when he introduced the above bills, which appear under separate headings.)

CONCURRENT RESOLUTION

ESTABLISHMENT OF AN INTERNATIONAL LIVING MUSEUM OF ANTHROPOLOGY AND ETHNOGRAPHY

Mr. LONG of Hawaii. Mr. President, I submit, for appropriate reference, a concurrent resolution requesting the President to use his good offices in investigating the feasibility of establishing an International Living Museum. I believe that such a museum, supported by all the nations of the world, would make a substantial contribution to the mutual understanding without which international peace and amity is likely to be a vain hope.

We have many forward-looking educational programs which will help to tie nations together on the frontiers of future knowledge. I believe this proposal will help us all to recognize our common heritage upon which that future can be built.

The ACTING PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 70) was referred to the Committee on Foreign Relations, and, under the rule, ordered to be printed in the RECORD, as follows:

Whereas programs of international cooperation enhance the achievement of mutual understanding among the peoples of the world and promote the cause of international peace;

Whereas the establishment of an International Living Museum of Anthropology and Ethnography, planned, executed, and directed by all participating nations as equals, would provide a unique opportunity for international cooperation and for the peoples of the world to acquire a better understanding of themselves and each other;

Whereas the presentation of special exhibits such as those which would trace the development of man and his cultural achievements through the ages or show various means of gaining a livelihood in all parts of the world or the natural resources or geographic peculiarities of various sections of the world would offer infinite possibilities to instruct, enlighten, and delight those who would plan and work for, and those who would visit, such exhibits and enable them to better understand and appreciate the similarities and differences of the peoples of all parts of the world;

Whereas the benefits of such exhibits would be brought to peoples throughout the world by a program of traveling exhibits and the establishment of small permanent branches of the museum in many countries of the world; and

Whereas an International Living Museum would be continuous and might well prove to be one of the least controversial and one of the most generally cherished institutions in a world of great diversity: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States hereby expresses its interest in encouraging the establishment of an International Living Museum of Anthropology and Ethnography.

SEC. 2. The President is requested to institute studies within the Department of State and other interested departments and agencies of the United States Government with a view (1) to reporting to the Congress as to the feasibility of the establishment of an International Living Museum and the framework, functions, and purposes of such museum, and (2) to submitting to the Congress recommendations as to the extent of participation by the United States in the proposed operations of such museum.

SEC. 3. The President is further requested, through the United States delegation to the United Nations, to place before the United Nations for its consideration a proposal for the initiation of studies within the United Nations that would explore the feasibility of the establishment of an International Living Museum and the sponsorship of such museum by the United Nations Educational, Scientific, and Cultural Organization.

FEDERAL EMPLOYEES' SAFETY ACT

Mr. HUMPHREY. Mr. President, I introduce, for appropriate reference, a bill to amend section 33 of the Federal Employees' Compensation Act so as to provide a system of safety rules, regulations, and safety inspection and training, and for other purposes. The major segment of our private industry has found it necessary to place emphasis on rules for safety. Part of this concern for the prevention of disabling accidents, or damage to property, is due to the additional operational cost involved and partly due to promote efficiency.

The U.S. Government, largest single employer in the Nation, lags far behind private industry in promoting a coordinated practical program for safety. This lack of a fully uniform program is becoming increasingly costly in loss of time and payment for injuries sustained by Federal employees.

In 1948 the injury frequency rate for Federal employees was 8.1 disabling injuries per million man-hours. Dating from the same period the cost of injuries to Federal employees has increased some 80 percent from approximately $20 million in 1949 to $36.1 million in 1960.

At present the only safety program in Government is carried on by the Federal Safety Council, pursuant to section 33(c) of the Federal Employees' Compensation Act which declared it is the purpose of the act "to reduce the number of accidents and injuries among Government officers and employees, encourage safe practices, eliminate work hazards and health risks, and reduce compensable injuries."

The purpose and functions of the Federal Safety Council is to serve in an advisory capacity to the Secretary of Labor in matters relating to the safety of Federal employees. In carrying out the Council's duties there is no legal opportunity to enforce their recommendations and even after their advice is given to the Secretary of Labor he cannot enforce decisions of the Council. Because of this lack of enforcement or mandate from the Council, or Secretary of Labor, there are no minimum standards of safety required of all Federal agencies. With approximately 54 different Federal agencies responsible under the Federal Employees' Compensation Act there are approximately 54 different programs ranging from no program at all to others which are quite effective. This situation indicates there is considerable lack of interest in safety on the behalf of many Federal administrators.

With each agency responsible for its own safety program there presently exists much duplication of efforts in the way of disseminating publicity, training, inspections, and requests for appropriations for safety personnel.

There is no present agency coordinating body which has the authority to see that overall objectives are met, and that minimum safety standards are developed, and that they are met by all agencies. The Department of Labor has now the authority to urge cooperation and coordination of the Federal safety effort,

it does not have recognized authority to compel an effective Federal safety effort.

Because of the increasing cost to the Federal Government in appropriations and impaired efficiency and to follow the trend in industry it becomes important to amend section 33(c) of the Federal Employees' Compensation Act. The proposed amendment would accomplish these things:

First. It would require the head of each Federal agency to establish a safety program in conformity with the standards, programs, and regulations prescribed by the Secretary of Labor.

Second. It would give the Secretary of Labor authority to develop, promulgate, and promote minimum safety standards for Federal employees.

Third. It would provide for surveys and investigations of injury causes which would provide useful data for individual agencies to use in controlling injuries to their employees.

Fourth. It would provide a means for coordinating and collecting the information and data developed by each Federal agency and making it available for all to use in helping prevent duplication of effort.

Fifth. It would provide an advisory staff of technicians for those agencies wishing to initiate or improve their safety efforts.

Sixth. It would provide a Federal safety advisory committee which would include representatives from both labor and management and thus insure a more closely knitted joint labor and management effort toward improving the safety record.

Seventh. It would provide resources for training and education of Federal advisory personnel in order to upgrade the safety know-how of those in positions of safety responsibility of all Federal employees.

This bill if enacted into law should result in a better overall safety program of the Federal Government with a consequent decrease in the appropriations supporting the Federal employees' disability compensation laws and a much improved safety program.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3232) to amend section 33 of the Federal Employees' Compensation Act so as to provide a system of safety rules, regulations, and safety inspection and training, and for other purposes, introduced by Mr. HUMPHREY, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

DECENT, SAFE, AND SANITARY HOUSING FOR FAMILIES DISPLACED BY CONSTRUCTION OF HIGHWAYS — ADDITIONAL COSPONSOR OF BILL

Mr. SCOTT. Mr. President, I ask unanimous consent that the name of the junior Senator from Rhode Island [Mr. PELL] be added as a cosponsor of the bill (S. 2982) to assure decent, safe, and sanitary housing to families displaced by construction of highways forming a part of the Interstate System, introduced by me, for myself and other Senators, on March 13, 1962.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION AND WELFARE APPROPRIATION BILL—ADDITIONAL COSPONSOR OF AMENDMENTS

Mr. JAVITS. Mr. President, I ask unanimous consent that when the amendments to H.R. 10904, the Labor-HEW appropriations bill for 1963 are again printed, the name of the senior Senator from New Jersey [Mr. CASE] may be added as a cosponsor.

Also, by authority of the senior Senator from Connecticut [Mr. BUSH], I ask unanimous consent that the name of the senior Senator from New Jersey [Mr. CASE] may be similarly joined as a cosponsor of his amendment to the same bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF RESOLUTION CREATING SELECT COMMITTEE ON SMALL BUSINESS—ADDITIONAL COSPONSORS OF RESOLUTION

Under authority of the order of the Senate of April 26, 1962, the names of Senators BUSH, YOUNG of North Dakota, CARLSON, MCCARTHY, SCOTT, and KEATING were added as additional cosponsors of the resolution (S. Res. 333) amending the resolution creating the Select Committee on Small Business, submitted by Mr. CAPEHART on April 26, 1962.

NOTICE OF HEARING ON S. 1363 AND S. 3096, GOVERNMENT CONTRACT SET-ASIDES FOR SMALL BUSINESS

Mr. ROBERTSON. Mr. President, on behalf of the Senator from Minnesota [Mr. PROXMIRE], as chairman of the Subcommittee on Small Business of the Committee on Banking and Currency, I wish to announce that a hearing will be held on Wednesday, May 16, 1962, on the bills, S. 1363 and S. 3096, to amend the Small Business Act to provide that the program under which Government contracts are set aside for small business concerns shall not apply in the case of contracts for maintenance, repair, or construction.

The hearing will begin at 10 a.m., in room 5302, New Senate Office Building.

All persons who wish to appear and testify on these bills are requested to notify Mr. Reginald W. Barnes, counsel, Senate Committee on Banking and Currency, room 5300, New Senate Office Building, telephone Capitol 4-3121, extension 3921, at the earliest possible date.

JAMES M. NORMAN—LITERACY TEST FOR VOTING—UNANIMOUS-CONSENT REQUEST FOR LIMITATION OF DEBATE

Mr. MANSFIELD. Mr. President, in view of the fact that an announcement was made to the Senate, and the desire of the leadership that as many Senators as possible be present, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The Clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, on behalf of the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], and myself, I send to the desk a unanimous-consent request and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will state the proposed unanimous-consent agreement.

The legislative clerk read as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That, effective on Wednesday, May 9, 1962, at the conclusion of routine morning business, during the further consideration of the bill (H.R. 1361) for the relief of James M. Norman, debate on the pending substitute amendment proposed by Mr. MANSFIELD (for himself and Mr. DIRKSEN) shall be limited to 4 hours, to be equally divided and controlled by Mr. MANSFIELD and Mr. RUSSELL, respectfully; and debate on any other amendment, motion, or appeal, except a motion to lay on the table, shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and the majority leader: *Provided,* That in the event the majority leader is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further,* That no amendment that is not germane to the provisions of the pending substitute amendment shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 4 hours, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided,* That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

MAY 1, 1962.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. RUSSELL. Mr. President, I desire to reserve the right to object.

When this matter was first presented to the Senate, I made a brief statement outlining the odds that were against those of us who were undertaking to give the American people a complete picture of what was involved in the pending proposal. At that time I stated that many of the media of communication dealing with the subject matter had said this was an effort to enable Negroes in the South to vote. I pointed out that the strongest advocates of the bill had esti-

mated that it affected only 100 counties or precincts in the South and that the bill was wholly and totally unnecessary.

I realized then, as did those associated with me in this fight, that it would be very difficult to get the issue before the American people. But I am glad to say we have made considerable progress.

Some of my colleagues have made masterful speeches, in the best tradition of the Senate. Some of the constitutional arguments that have been made here are, in my opinion, of as fine a quality as any that have ever been made.

We have not had large audiences here on the floor to hear the presentations that have been made, demonstrating that this bill is unconstitutional, but we have gradually pierced the curtain of prejudice that is thrown around the South on all issues of this kind.

The fact that this measure is clearly unconstitutional is being recognized more widely by members of the bar, by students and teachers of political science throughout the country, and the people of this country generally are getting a better understanding of the political aspects of this measure, rather than the merits or demerits of the bill.

The fact that it is wholly unnecessary, Mr. President, has been demonstrated by events, legislation, and litigation in the past 2 or 3 days—I believe in the State of Mississippi—demonstrating that there are ample laws on the books at the present time to deal with any deprivation of voting rights. The Attorney General has an option either of prosecuting under criminal procedures or of proceeding with equitable relief by injunction and the appointment of referees or registrars, as provided in the legislation passed in 1957 and in 1960.

Mr. President, we have made some progress, but the odds have been so great that we have not completed our task. In addition, there are many of those who are opposed to this measure who have not yet had an opportunity to speak on this subject. These Senators have devoted hours of labor in the preparation of their remarks.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. RUSSELL. I am glad to yield, if I may do so without prejudice to my reservation of objection. I ask unanimous consent that I may do so.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Georgia? Without objection, with that understanding, the Senator may yield.

Mr. ROBERTSON. With reference to those who have not had an opportunity to speak, the junior Senator from Virginia spent weeks studying and preparing his speech on this subject. He was to have delivered it on Monday of last week. The Senate met a few minutes and adjourned. He was to have delivered it on Tuesday of last week. In fact, he made a mimeographed summary of it and sent it to the press. Still he had no opportunity to be recognized. He is sitting here now, hoping that before this debate is concluded he will have an opportunity to express his views. Because he is convinced that if this proposal should be enacted into law it is so clearly unconstitutional that the Supreme Court, unless it reverses everything it has ever held in the past, will declare it null and void, the Senator from Virginia wants an opportunity to be heard.

Mr. RUSSELL. Mr. President, I assure the distinguished Senator that insofar as my efforts can affect the matter he will have ample opportunity to be heard. I think my record is clear in favor of free discussion in the Senate, the last forum of free expression on this earth, which should be kept open always.

As I said, Mr. President, many Senators have not yet delivered their remarks. Some of these speeches have been the subject of weeks of work, as stated by the Senator from Virginia, and require more than 1 hour in which to be delivered.

Another thing, Mr. President; as I have indicated, we have to depend very largely upon the power of repetition to get this issue across to the country. There are many facets of the subject which have not yet been discussed, many angles of it which have not been explored. In view of the situation which prevails, I do not think it would be appropriate to agree to a unanimous-consent request limiting debate at this time; and I therefore, with regret to both the majority leader and minority leader, feel constrained to object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. MANSFIELD. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. JAVITS. Mr. President, will the Senator yield before he goes on to something else?

Mr. MANSFIELD. I would rather go on, and then I shall be glad to yield. I think the Senate ought to have the benefit of the thoughts of the distinguished minority leader and myself.

Mr. JAVITS. Very well.

Mr. MANSFIELD. Mr. President, I regret that the usual procedure of a unanimous-consent agreement to bring a debate to a close after a reasonable period of time has been objected to. Apparently, it will be necessary to employ an unusual procedure if we are to finish with this matter one way or another and get on to the other business of the Senate for this session.

I would point out, Mr. President, that the pending business has been before the Senate for a week. The debate has been somewhat desultory, with two or three speeches a day and a very limited exchange of ideas. It seems to me, therefore, that any undue prolongation of this discussion will serve little constructive purpose.

Accordingly, Mr. President, I wish to announce that the leadership proposes to file a motion for cloture on Monday, assuming that there are 14 other Senators who will join us in a petition to that end. The leadership reminds the Senate that if this petition is filed on Monday, as is our intention, then somewhere in the neighborhood of 1 hour after the Senate meets on the Wednesday following, the motion of cloture will be voted on in the Senate.

All Members are thereby placed on notice a week in advance of this most important vote. It is expected that they will make their arrangements in order to be here at that time.

May I add, Mr. President, that if the motion for cloture receives a majority but less than the required two-thirds majority the leadership will attempt to obtain an expression of sentiment on the merits of the measure by another unusual procedure, but a procedure entirely in accord with the rules. The leadership will move to table its own measure and then vote against tabling. If the vote on this tabling motion is preponderantly against tabling, the leadership will assume that the Senate still desires to vote on the merits of the issue. It will, therefore, continue with the pending business and, at a subsequent point, if necessary, make a second effort to invoke cloture. If that effort again fails, then, insofar as the leadership is concerned, it will recognize that the Senate is unprepared or unwilling or unable, under its present rules, to face this issue on its merits, and it will proceed to other business.

I now yield to the Senator from New York.

Mr. JAVITS. Mr. President, first may I say to the Senator that he is showing what I feel, and what many other Senators feel, is complete good faith in this matter, by the procedure which he has outlined. Though the minority leader has not spoken, I know he joins in the statement fully. This is very heartening to those Senators who feel as I do.

Second, Mr. President, I assure the Senator he will have no difficulty, in my view, about getting 14 Senators to sign the cloture petition. Though it might sound unnecessary, I should like to tell the Senator that of course I should be honored to join.

But the most important part of what the Senator has said today is this, Mr. President: It is an appraisal by the majority leader himself as to the reasonableness of the compass of debate. We have not had much to say about the constitutionality of this particular measure, and yet I feel that enough has been said even on that score to make an adequate case before the Senate, even if the matter were allowed to rest at this point.

What the Senator is trying to do, and I understand it thoroughly—and our own leader has joined in it—is to make the Senate rules work.

Mr. President, I should I like to say in this regard, because those who feel as I do are often given advice, too, around here, I think all Senators, including Senators who feel that they want to discuss this matter a considerable amount further, ought to think very seriously about making the rules work.

Mr. President, I think one of the difficulties about amending the rules—which the Senator from Oregon [Mr. MORSE] and I and my colleague from New York [Mr. KEATING] and so many of

us have tried to do—has been the argument, "Well, they can be made to work. If a majority really wants to do something, it can do it."

Now I think the majority leader is going to give us an opportunity to determine that. Mr. President, more will be at stake on this vote than cloture on the pending question. Perhaps what will be at stake on this vote is the whole validity of the Senate rules, built upon rule XXII.

If a majority, after reasonable debate, as found by the majority leader, cannot make its will felt, then it is high time that the country take notice of it; and the majority, as it can, should change the rules at the opening of the next session. I predict this vote will be really historic, because that is the subject on which it will bear.

I thank my colleague for yielding.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. MANSFIELD. Mr. President, the Senator from New York gives me too much responsibility in this matter, because this is a bipartisan effort on the part of the distinguished minority leader and myself, on which we see eye to eye, on which we have been working closely together, and which we hope will continue to be bipartisan in its consideration.

I now yield to the Senator from Oregon.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. MORSE. I shall cooperate with the majority leader on the question before the Senate, as I have done on all other matters. But I have a suggestion or two to offer for the consideration of the majority leader.

First, if a cloture petition is filed on Monday and a vote is taken on Wednesday, some of us who are doing our best to campaign for reelection will not be present on Wednesday. So I should like to have the attention of my good friends on the Republican side of the aisle—the minority leader, the minority whip, and the chairman of the senatorial elections committee.

I think it would be very gracious and in keeping with our nonpartisan spirit, if it is possible, in case there are two Senators on the Republican side of the aisle who intend to vote against cloture, to try to arrange a pair so that I can go out to my State and conduct my campaign against the Republican candidate. Such action would be in keeping with the gracious reciprocity that prevails so frequently in the Senate. Of course, if I cannot arrange such a pair, I shall remain here. I am not so sure that my remaining in Washington would not be as effective campaigning as though I were to go home. But I am serious in pleading for cooperation in arranging a pair.

I have two suggestions for my majority leader. First, I believe that between now and Friday of this week would be ample time for the completion of debate on the question before the Senate. I should like to have the majority leader consider the possibility of filing a cloture petition on Friday instead of on Monday. Such action would save us some time and be helpful to many of us.

Second, I most respectfully suggest that we keep in mind the fact that the floor of this great Chamber is one of the great educational platforms of America, and that it is necessary to cause the American people to understand what is involved in an issue such as the one before the Senate. In my many years of experience in the Senate—and I think I am a qualified witness on this particular subject—I have found that there is no substitute for round-the-clock meetings of the Senate when we have a great educational issue to present to the country on a question such as the one before us.

Let us face the issue. There is behind the civil rights issue before the Senate a question which bears on rule XXII. I respectfully recommend that the Senate proceed with long night sessions up to midnight, until possibly Thursday and then conduct around-the-clock sessions. In that manner we shall give the American public a look at the Senate as it proceeds in such a session. Then perhaps next week we could reach a vote on the question.

Mr. MANSFIELD. Mr. President, thought has been given to the possibility of filing a cloture petition this week, but no matter which way we turned, there was always some obstacle in the way. So, within the limits of its wisdom, the leadership did the best it could in the light of events and tried to be as practical, understanding, and tolerant as possible.

So far as night sessions are concerned, I do not foresee any night sessions, though any Senator who wishes to do so can hold the floor all night and speak to his heart's content. I believe we ought to operate in a reasonable manner, within the rules and procedures of the Senate, to the end that the issues may be discussed, the health of Senators preserved. So far as educating the country is concerned, it appears to me that the best way to educate the people of the country is either through our own personal efforts on the floor of the Senate or through the various news media by means of which the American people can be reached.

The leadership has endeavored to be tolerant of all Senators on both sides of the aisle. As we promised in the beginning, we have no parliamentary tricks in the bag. We have tried to lay our cards on the table and operate under the procedures of the Senate. We intend to continue to do so; and if a little longer time is required, that is the way it will have to be.

The way things are going at the present moment, I do not anticipate that the Congress can adjourn before Labor Day. There have been suggestions to the effect that if we have not completed our business around Labor Day, we may well recess and come back after the election. That suggestion will be given every consideration. But I point out to Members of this body that the business of the Senate must always come first.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield to the distinguished minority leader.

Mr. DIRKSEN. Mr. President, in my judgment, the majority leader has manifested a rare patience and a commendable tolerance in dealing with the subject before the Senate. In line with the suggestion by the distinguished Senator from Oregon [Mr. MORSE] proposal to file a cloture petition on Friday was rather seriously entertained, so that a vote might be had on Tuesday. However, the difficulty is the intervention of primaries in a number of States. So in order not to put some Senators in an awkward position, the arrangement had to be changed. Yet we cannot operate forever day after day without precipitating the issue.

My only hope is that we can reach a vote on the merits. A vote on cloture is not a vote on the merits. If it were successful, it would only postpone the vote on the issue, after Senators had had an opportunity to speak under the cloture limitation, and then at long last we would reach a vote on the merits of the measure.

In a sense, we shall be voting on the merits if we vote on the proposed motion to table. Such action would indicate pretty well whether or not we intended to do something on the issue.

Speaking for myself, and very briefly, the language in the measure before the Senate has been virtually lifted out of a pledge that was made by my own party in Chicago in 1960. I do not wish to ignore that pledge. It was presented to the American people in good faith. In consequence, I should like to have a vote on the merits of the measure. The proposed action appears to be the only way in which it can be made possible.

Since business will be accumulating, and the Senate probably be behind schedule, the issue cannot go down the road too far.

I am sure that some Senator can be found who will give the distinguished Senator from Oregon a pair, so that he may be protected. On occasions I have joined in giving him a pair. I should like to cast my own affirmative vote, but if a pair cannot be found to give the Senator a pair, I shall join with him to see that a pair is arranged, and then express myself further on the pending measure.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. MORSE. The Senator from Illinois has always been very helpful to the Senator from Oregon in arranging pairs. I have always reciprocated, and will always stand ready and willing to reciprocate on the question of pairs.

In recent years something has happened to a historic custom in the Senate in regard to live pairs. When I first came to the Senate there was no problem in arranging pairs. I speak not for myself, but for many Senators who have talked with me on the subject. In recent years it has become more and more difficult, for some reason, to arrange

pairs. I think it is a very fair and helpful procedure.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. ROBERTSON. Is it not true that whenever a Senator who is present at the time a vote is taken has announced a pair, the press reports that he did not vote? What Senator wishes to be recorded repeatedly as not voting when he was present?

Mr. MORSE. The senior Senator from Oregon is not very much concerned about press reports.

Mr. ROBERTSON. The press does not announce that a Senator had a live pair, and that the Senator was present and would otherwise have voted. It announces that the Senator did not vote.

Mr. MORSE. As I say, I am not very much concerned about that. We take the facts to the people of our State, if that happens, and if the press has made an erroneous issue of the situation, that fact reflects against the press. I have found it to be to my advantage on occasions. However, I believe that the historic policy of live pairs is one which ought to be revived with greater frequency than has been the case in the last few years.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. RUSSELL. I should like to say to the distinguished Senator from Oregon that I likewise lament the fact that the Senate has completely changed its procedure with regard to that situation. When I first came to the Senate, general pairs were used between Senators on each side of the aisle. That was done as a matter of course. As a general rule, a Senator did not even have to go to his pair to tell him that he would be out of town. The Senator from Connecticut, for example, would rise and inquire whether his pair had voted. If he were to be told, "No; the Senator has not voted," the Senator from Connecticut then would say, "I have a general pair with that Senator. Not knowing how he would vote if he were present, I withhold my vote."

Then the situation got down to the point where today it is necessary to get a special pair. A Senator must make inquiry and make a special arrangement in order to get a live pair.

Whether the situation changed because of the facts related by the Senator from Virginia [Mr. ROBERTSON], I do not know. The situation I have referred to certainly gave the Senate a clearer illustration of just how Senators felt on an issue so far as the record of the Senate was concerned. I am not referring to the press, but to the record of the Senate. It was certainly a better demonstration than the present system provides.

Mr. MORSE. The Senator is correct, of course.

Mr. RUSSELL. While I have been heartily in favor of the situation as it obtained previously, I am particularly in favor of the Senator from Illinois pairing with the Senator from Oregon on the pending issue. I am strongly in favor of that pair.

VISIT TO THE FLOOR OF THE SENATE OF THE HONORABLE MAURICE EDELMAN, MEMBER OF THE BRITISH PARLIAMENT

Mr. GORE. Mr. President, it is my honor and privilege to present to the Senate an honored guest who is in the rear of the Chamber. I introduce to the Senate the distinguished author, lecturer, and Member of the House of Commons of the Parliament of Great Britain, the Honorable Maurice Edelman.

[Applause, Senators rising.]

OFFICE BUILDING FOR HOUSING AND HOME FINANCE AGENCY

Mr. ROBERTSON. Mr. President, last week I announced that upon the conclusion of the pending business I would move to refer to the Banking and Currency Committee a public works bill which, in addition to authorizing $600 million in appropriations for public works in the discretion of the President, would authorize additional standby authority of $2 billion of side-door or back-door or indirect financing, all of which, except for one fund, would come from trust funds under the jurisdiction of the Committee on Banking and Currency.

I said that before that action was taken, on which no testimony had been taken, either pro or con, the Banking and Currency Committee should have presented to it some testimony, and an opportunity to express its view.

Today I read in the newspapers that because of the known opposition in the House of Representatives to back-door financing, the leadership would probably drop the standby authority of $2 billion and raise the direct authority to $900 million, and try to get the bill through the Senate in that form. Should I be informed by the leadership that it will drop the $2 billion back-door financing proposal, I shall not move to refer the bill to the Banking and Currency Committee, because we do not have jurisdiction over a public works bill.

Since that bill was reported the Public Works Committee has reported another bill, S. 3123, to use funds under the jurisdiction of the Committee on Banking and Currency. The bill proposes to use mutual mortgage insurance funds to the extent of $32 million to build a marble palace much larger than Jimmy Hoffa's Teamsters Union Building, for use of the Housing and Home Finance Agency. In these days of high construction costs, that will be quite an office building. The point I wish to stress is that if we are going to do it, let all the taxpayers contribute, and let the money be added to the public debt.

As I have said, the bill would authorize the Federal Housing Commissioner to lend money from the mutual mortgage insurance fund for the construction of the building. This loan would be paid off in 25 years, with interest at 4 percent, from annual payments in lieu of rent.

I wish to give notice that I intend to move to have this bill referred to the Committee on Banking and Currency in order that the Banking and Currency Committee may take testimony on and consider this proposal to lend money from the mutual mortgage insurance fund for Federal building construction.

The mutual mortgage insurance fund was created under section 202 of the National Housing Act, and it now appears in section 1708 of title 12 of the United States Code. The Federal Housing Administration places premiums, fees and other income received in connection with the FHA's regular home mortgage insurance program into the mutual mortgage insurance fund. From this fund insurance claims may be paid when mortgages insured under this program are foreclosed or acquired in lieu of foreclosure with losses to the mortgagee.

Under section 206 of the National Housing Act—12 U.S.C. 1712—moneys in the fund which are not needed for current operations of FHA must be deposited with the Treasurer of the United States or invested in bonds or other obligations of, or in bonds or obligations guaranteed as to principal and interest by, the United States.

It is this section 206 which would be amended by S. 3123. Instead of highly liquid assets appropriate to a reserve fund which backs up all mortgages insured under the FHA regular program, available at a moment's notice whenever needed to assure the stability of the real estate market, the bill would permit investment in a 25-year loan—doubtless a secure loan, but far from a liquid investment.

The Banking and Currency Committee has jurisdiction over the mutual mortgage insurance fund. It was created by the National Housing Act of 1934 and has been under this committee's jurisdiction ever since. In fact, no later than last June, in the Housing Act of 1961, the Banking and Currency Committee reported out an amendment to the provisions relating to the mutual mortgage insurance fund authorizing the FHA to set the annual premium charge between one-fourth of 1 percent and 1 percent per annum—formerly the range had been from one-half of 1 percent to 1 percent per annum. This became section 606 of the Housing Act of 1961.

In my judgment it is essential for the Banking and Currency Committee to have hearings on any proposal to amend the provisions of the National Housing Act relating to the mutual mortgage insurance fund. I believe this is particularly important in the case of an amendment which will substantially alter the kind of investments in which this fund may be placed. In my judgment such a change should not be made without obtaining testimony from all those who may be affected by such a change, including homeowners, the building industry, and the financial institutions which have so many billions of dollars invested in mortgages insured under the FHA mortgage insurance program.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. If there be no reports of committees, the nominations on the Executive Calendar will be stated.

UNITED NATIONS

The legislative clerk read the nomination of Walter M. Kotschnig to be the representative of the United States of America at the 17th plenary session of the Economic Commission for Europe of the Economic and Social Council of the United Nations.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

DEPARTMENT OF STATE

The legislative clerk proceeded to read sundry nominations in the Department of State.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations in the Department of State be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. ADVISORY COMMISSION ON INFORMATION

The legislative clerk proceeded to read sundry nominations in the U.S. Advisory Commission on Information.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

The legislative clerk proceeded to read sundry nominations in the U.S. Advisory Commission on International Educational and Cultural Affairs.

Mr. MANSFIELD. I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection the nominations are confirmed en bloc.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

DEPUTY ATTORNEY GENERAL

The legislative clerk read the nomination of Nicholas deB. Katzenbach to be Deputy Attorney General.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

U.S. DISTRICT JUDGE

The legislative clerk read the nomination of Stephen J. Roth to be U.S. district judge for the Eastern District of Michigan.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

U.S. PATENT OFFICE

The legislative clerk read the nomination of Ezra Glaser to be an Assistant Commissioner of Patents.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations today.

The ACTING PRESIDENT pro tempore. Without objection, the President will be immediately notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

LAW DAY

Mr. JAVITS. Mr. President, I wish to say a word about the fact that today is May 1, Law Day. It is deeply concerning and affecting to all of us, especially those of us who are lawyers, to note that this great day in which we hope for world law as a substitute for world force, comes at a time when we are exploding atomic bombs in the atmosphere in the Pacific.

I have previously stated my support of the President of the United States in the very critical decision which he has made. At the same time, as a lawyer and a legislator, I wish to take this opportunity upon so solemn a day to affirm my faith in the rule of law and to express my own dedication to the effort to make it effective in terms of our world, even during my own lifetime.

Mr. President, I ask unanimous consent to have printed in the RECORD, as a part of my remarks on the rule of law, an editorial entitled "For a World of Law," published in the New York Times of May 1, 1962; an editorial entitled "Law in Place of Force," published in the Washington Post of May 1, 1962, and a proclamation issued by the Governor of the State of New York, Hon. Nelson A. Rockefeller, declaring today, May 1, as Law Day in New York State.

There being no objection, the editorials and proclamation were ordered to be printed in the RECORD, as follows:

[From the New York Times, May 1, 1962]

FOR A WORLD OF LAW

As decreed by law enacted by Congress, the United States observes today with appropriate ceremonies its fifth Law Day, U.S.A. In contrast to the Communist perversion of the traditional spring festival of May Day for purposes of both domestic and international class war, the day is set aside here to rededicate the American people to the ideals of equality and justice under law at home and between nations. But the day acquires special significance this year because of the American disarmament proposals envisaging a disarmed world that will be ruled by law enforced by a United Nations peace force.

This goal is still far distant. For the moment, when new nuclear explosions shake the skies, peace and a semblance of international order still depend on a delicate balance of power between East and West. But numerous beginnings toward the creation and codification of international law have already been made, especially by organs of the United Nations. Unfortunately, because the Communists scorn the West's traditions, principles and jurisprudence as products of its ruling class, and at Geneva reject the very concept of a peaceful world and a peace force, little progress has been made.

That is why the American Bar Association, through its special committee on world peace through law, backs other continental conferences espousing the cause and why it presses for a World Law Day to be proclaimed by a world conference next year. The purpose will be to develop a world law code for the World Court, to establish regional and special tribunals and to back new treaties and conventions.

There is general recognition, however, that a world ruled by law will also be ruled by politics, and that it therefore requires three institutions—a legislature which can make world laws to assure peaceful change, an executive to enforce them, and a court to interpret them. The United Nations is a still embryonic form of all three. Its Charter is already a kind of world constitution and its General Assembly passes resolutions applying it to specific cases. It is even developing into an executive agency able to enforce its "laws" in cases like the Congo. But it is unable to enforce them against larger powers. And its World Court is hamstrung by our own Connally reservation enabling this country to reject the Court's jurisdiction whenever the issue involved is deemed domestic.

This reservation encourages the Communists to reject the Court and prompts other nations to follow our example. That is why a repeal of this reservation must be one of the first steps toward a world of law.

[From the Washington Post, May 1, 1962]

LAW IN PLACE OF FORCE

Law Day, which is expected to generate more than 100,000 programs throughout the Nation today, is an expression of the almost universal yearning for an orderly world. The idea of emphasizing the role of law in the promotion of world peace, in contrast to the Communist displays of military might on May 1, originated with the American Bar Association 5 years ago when Washington Attorney Charles S. Rhyne was its president. Today the occasion is especially significant because the systematic movement to substitute law for force in the settlement of human disputes has become worldwide.

Mr. Rhyne and his ABA committee have, in the last 10 months, brought together more than 10,000 lawyers from 109 countries into 4 continental conferences in search of ways and means of developing world law. The eager participation of statesmen, diplomats, judges, professors, experts in international law, and eminent lawyers is ample proof of serious intent. While the results of the continental conferences in San Jose, Tokyo, Lagos, and Rome are not yet accurately measurable, the mere mobilization of legal thinking on a problem of this magnitude is a notable achievement.

Foremost among the facts that these conferences have highlighted is the present pau-

city of world law. Except for the law of the sea, diplomatic immunity, and the Postal Convention, there are no universal laws. In the face of national armed forces capable of virtually destroying mankind, the machinery for making world law is pathetically cumbersome and faltering. Even some of the widely respected instruments for judicial settlement of international disputes, such as the World Court, are little used.

The lawyers who have gone to work on these problems in virtually every country are not laboring under the illusion that they can suddenly displace the grim realities of atomic power by setting up courts of justice. But they have found many areas in which the orderly adjustment of differences can contribute to the cause of peace. Their influence is being used to help strengthen regional organizations, the United Nations, and the World Court. Noting the success of the European Court of Justice in settling more than 100 disputes, they are campaigning for the creation of regional courts for the Americas, Asia, and Africa.

Some groups are working for the ratification of regional treaties that have too long been neglected by national governments. Others are giving a boost to the European Common Market and similar hopeful projects. An attempt is being made to codify international law to make it more useful and meaningful. Next year a World Law Conference will be held in New Delhi to center attention in a still more dramatic way upon the need for expansion of international law and creation of agencies to make it effective. Agreement has also been reached to create a World Law Center, which would foster research in international law and serve as a clearinghouse for information in this field.

Sponsors of this hopeful movement recognize that it is still in its infancy. Its significance lies in the fact that lawyers are at last recognizing their global responsibility. Certainly their aim of enabling men to walk "in freedom, in dignity, and in peace" anywhere on earth should enlist the support of every thoughtful member of the profession.

PROCLAMATION BY GOVERNOR ROCKEFELLER

Jurisprudence, the knowledge of the laws of our country has been described as the principal and most perfect branch of ethics.

Men attain civilization by thinking and working together. The strength of one man against the forces of nature is little, but many men, bringing together their ideas, their skills and their strength, become mighty.

Law is the intangible force which makes freedom and progress possible. It is law that brings order into the affairs of men—that enables them to lift their sights above mere survival, to accumulate possessions, to develop the arts, to pursue knowledge, and to enjoy life among their fellows. Law gives the individual security that he could obtain in no other way; it protects the family and other groups organized for the advancement of common interest; it permits the growth of great cities and the development of vast enterprises. In other words, it is the cement that holds our free society together.

Law Day U.S.A. is dedicated to an understanding of this powerful force and to more extensive use of it for the benefit of mankind.

Now, therefore, I, Nelson A. Rockefeller, Governor of the State of New York, do hereby proclaim May 1, 1962, as Law Day in New York State.

Given under my hand and the privy seal of the State at the capitol in the city of Albany this 13th day of April in the year of our Lord 1962.

[SEAL] NELSON A. ROCKEFELLER.

By the Governor:

WILLIAM J. RONAN,
Secretary to the Governor.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

Mr. MORSE. Mr. President, it is seldom that I disagree with the majority leader on a question of procedure; but when he speaks as he did with respect to the policy to be followed in connection with the pending measure, I desire to have the RECORD to show that I completely disagree with him.

In my judgment, the probabilities are very great that the cloture petition will not be agreed to by the Senate. That does not mean that majority rule in the Senate will be protected; it means it will be defeated. I am perfectly willing to try the cloture procedure, but I think we may as well face the fact that a part of the strategy of the opponents of the bill is to maneuver the Senate into a position whereby, procedurally, they will defeat the proponents. In my opinion, now is the time for the proponents of the measure to take on the filibusters and defeat them.

I believe there are large groups in this country who recognize that the very essence of the civil rights issue is the problem of providing men and women with the privilege of voting. In my judgment, the civil rights issue will not be solved until there is a uniform right to first-class citizenship on the part of all people, even though their skins may be black by the millions.

I believe that a serious mistake will be made if at this session of Congress we follow what I think will be the probable procedure in handling this issue. If the proponents of a cloture petition are defeated, there will be a little more debate, then a suggestion will be made that the Senate get on with other business, and the literacy test measure will be laid aside. I see such a suggestion coming like a great thundercloud on the horizon.

The time to face this issue is now. I believe that if cloture cannot be obtained, then the Senate ought to be held in session 24 hours a day, day and night, for as many weeks as it will take to meet the issue head on. Rule XXII will not be changed the way the Senate has been working in the last few years. In my view, there is not much time to face up to the civil rights issue. Not much time remains to give first-class citizenship to the colored people of the Nation. This session of Congress is the session at which we should meet that challenge.

Although I will go along with the cloture procedure, I will not go along with any procedure thereafter to lay the pending measure aside. The American people are entitled to have the Senate, at this session, face up to the problem and decide whether we will take the necessary steps to give to the colored people of the Nation the right to vote.

HYPOCRISY OF FREEDOM RIDES

Mr. RUSSELL. Mr. President, I ask unanimous consent to have printed in the body of the RECORD an editorial entitled "Freedom Rides Hypocrisy," published in the Albany, Ga., Herald of April 26, 1962. The editorial clearly shows that hypocrisy is not limited to the so-called freedom rides.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FREEDOM RIDES HYPOCRISY

It is indeed amazing how the shoe will pinch when transferred to the other foot. We refer, of course, to the purported cries of outrage raised by politicians and pundits of the left to the proposal that a reverse-English freedom ride of Negroes northward be mounted by southern segregationists.

"Shocking," says Republican Senator Javits, of New York. "A heartless display of theatricalism."

"Hypocritical—a cruel hoax—a hypocritical effort to gain cheap publicity," cries Clarence Laws, field secretary for the National Association for the Advancement of Colored People.

"It violates every fundamental concept that we believe in as a people," thunders New York Gov. Nelson Rockefeller.

But where were all these self-righteous individuals when the freedom rides by Negroes—and some whites—began rolling southward? Why weren't their voices heard when State laws and local ordinances were flouted with flagrant disregard in community after community in the South?

And why, for Pete's sake, should not a southern Negro, desiring to go to the North, not accept the offer of a free, one-way train ride made by southern segregationists? What is illegal about this proposal? What is immoral? No one's civil rights are thusly violated, legally or morally. No question of segregation or integration is involved. The southern Negro in the North will not have to contend with challenging segregation statutes. He is guaranteed integration by law.

So what is all the fuss about?

Well, to be perfectly honest, it is about the North not wanting to pay the welfare costs of 1,000 southern Negroes. It is perfectly all right for the South to pay these costs. That is legal. That is moral. And it is consonant with "justice" for the South to be the scene of freedom rides. But, heavens to Betsy, not the North.

That is unthinkable. That is preposterous. Why, everybody knows that everybody in the North is exceptionally moral and blessed with unusual wisdom regarding the racial problem. How could it be otherwise?

Everybody, that is, except those forced to foot the welfare bill.

COLD-HOT WAR NOW IN PROGRESS CALLS FOR GI BILL NOW

Mr. YARBOROUGH. Mr. President, American men who have answered their country's call to arms are facing peril day and night in South Vietnam.

The fact that these men are risking their lives although no war has been declared underscores the fact that today's serviceman lives in the shadow of danger from the moment his civilian life is interrupted for military duty.

This is why I have been saying for a long time that our so-called cold war servicemen are entitled to the simple justice of a chance to piece together their lives after leaving the service. This is one of the reasons the cold war GI bill, cosponsored by me and 36 other Senators, was introduced.

By enactment of the GI bills for the veterans of World War II and the Korean war, Congress has demonstrated a

national recognition of the need for assisting veterans in acquiring the training and education needed to fill the gap created by their time in service.

The fact that an American serviceman was or was not actually on duty in a combat area has never been a test of eligibility for educational assistance, either in World War II or in the Korean war. But those who give weight to combat as a qualification may, by looking at the risks American troops are taking in South Vietnam, acknowledge that the label "cold war" is a misleading name at times.

There is far more at stake on the cold war GI bill than the apparent act of justice involved. Our country is now building on a backlog of educators, doctors, scientists, technicians, and other highly trained persons who relied on one of the GI bills for their education.

What will provide our growing demand for trained and educated men in the future? The answer is in enactment of the cold war GI bill. Without it, the present shortages in teachers, medical personnel, and scientific personnel will worsen rapidly.

Mr. President, to show the danger faced by young men now going into service, I ask unanimous consent to have printed in the RECORD an article entitled "Crack U.S. Forces in Vietnam Surrounded by Constant Peril," written by Warren Rogers, Jr., of the Herald Tribune News Service, and published in the Tuesday, May 1, 1962, edition of the Washington Post.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CRACK U.S. FORCES IN VIETNAM SURROUNDED BY CONSTANT PERIL

(By Warren Rogers, Jr.)

HOA CAM, SOUTH VIETNAM, April 30.—Hoa Cam, a crude camp built by native carpenters of native wood tougher than oak, sits on a flattened knoll about 8 miles northwest of Da Nang, a handsome harbor on the South China Sea which the French who built it called Tourane.

About 8 miles farther inland is a village called An Chau, nestled against a hill the American soldiers here call Pork Chop, because it resembles Pork Chop Hill in Korea. It was at An Chan that two American soldiers were killed and two others captured in a Viet Cong attack on April 8.

These four were members of the American Army's crack special forces, who run Hoa Cam. They are the world's most remarkable soldiers. Trained, cross-trained and retrained, they can do everything from delivering babies and teaching school to parachuting behind enemy lines and killing sentries with the heel of their hand.

The men here, like other special forces soldiers working closely with South Vietnamese antiguerrilla fighters, are on temporary detached duty from their headquarters on Okinawa. This TDY, as it is called, is supposed to last only 6 months.

Some of the Americans look forward to the end of that 6 months, as do soldiers on duty anywhere. It is grimly recalled here that the two men who were killed in the Viet Cong ambush were only days away from going back to their families and comrades on Okinawa.

But strange things happen sometimes. As a short-timer's time approaches, he begins to have deep thoughts. They told me about it:

"I don't know. Life is pretty rugged out here in the boondocks. Most of us have four or five kids, it seems, and we sometimes wonder what in the world we're doing out here at the end of nowhere risking our health and our lives. But as the end of your tour approaches, you get the feeling that this is where you ought to be, that this is where to fight communism, not lounging in some overstuffed chair and shooting off your mouth about democracy and things like that.

"And so we stay. Some of us ship over at the end of 6 months and take on another 6 months. The only way I can explain it is that this is where we are needed most and this is the kind of thing we can do best to pay back all those who suffered and died in our history for the same kind of idea. I'd rather fight here than in San Francisco at some later date."

SURROUNDED BY DANGER

This camp is a sitting duck, and all the Americans in it know it. The Viet Cong have a battalion of about 500 men staked out in the hills which surround and look down upon us here. They have another 600 or so part-time guerrillas who could be mustered for some sort of stealthy night operation.

But the men of Hoa Cam ignore this ever-present danger and go about their work. Living is primitive here, so a compound is maintained at Da Nang. Showers are available there and all it takes is a round trip jeep ride whenever south Vietnam's red dust begins to grind in too deep.

No GI yardbirds ever presented greater problems for the instructors. For example, there is the language barrier. While the special forces men are learning Vietnamese and the 20 other languages spoken hereabouts, they must depend at this time on interpreters—usually two of them, one from English into Vietnamese, the other from Vietnamese into Katan or Thai or Lao or whatever the native trainees happen to speak in this amazingly polyglot land.

TARGETS SHOOT BACK

Training in the field is interesting. When these recruits leave camp, out a couple of miles or so, the targets they shoot at often shoot back. The Viet Cong are everywhere, especially at night. And who knows how the raw south Vietnamese recruits, brought up from some soft-living lowland village or down from some aboriginal mountain hamlet, will react in a firefight?

One night I tagged along with Capt. Michael Phelan, 29, of Lancaster, Pa., and 1st Lt. George C. Lawton, 26, of 6200 Landon Lane, Bethesda, Md., son of Lt. Gen. William S. Lawton, retired, former Comptroller of the Army. They were taking 30 Vietnamese volunteer troops into the boondocks to teach them how to lay an ambush at night.

The trail was narrow and the grass was tall. We moved out silently, but only for a couple of miles because the trainees were not yet advanced enough to go 5 or 6 miles, where they were almost certain to encounter Viet Cong. All went well, and we lay down to wait for any movement along the trail, our trap baited and set for quarry. When none came after a couple of hours, Captain Phelan started shooting anyway and yelled, "Fire." It was a long time before they started shooting. After a full day in the hot sun of Hoa Cam, many apparently had fallen asleep while sprawled in the grass as ambushers.

CISCO CHAMBER OF COMMERCE OPPOSES RESERVE FORCE CUT

Mr. YARBOROUGH. Mr. President, grave concern has been aroused in the minds of many of our citizens over the announced intention of a cutback in the Nation's Army Reserve components. This is particularly rue in Texas, home State of the 49th Armored Division which provided a ready source of manpower in the callup of Reserve troops last year in the face of the Berlin crisis.

This country has always recognized the need for a strong and well-trained civilian force as a standby to meet emergencies where the security of the Nation is at stake. In this age of nuclear weapons, which could result in the mass destruction of property and lives, the need for such a force in the cities of the Nation was never greater.

As an illustration of this concern, I have recently received a resolution unanimously approved by the board of directors of the chamber of commerce in Cisco, Eastland County, Tex., April 26, 1962.

Mr. President, I ask unanimous consent to have the resolution printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

CISCO CHAMBER OF COMMERCE,
Cisco, Tex., April 27, 1962.

At a special called meeting of the board of directors of the Cisco Chamber of Commerce, a majority of the directors being present, the following resolution was introduced, seconded and adopted by unanimous vote:

"Whereas the city of Cisco has for the past several years enjoyed having a unit of the 49th Armored Division located in the city of Cisco, using an armory immediately north of the city; and

"Whereas the location of said battery and the Army has given many of the local boys an opportunity to fulfill their military requirements while living at home; and

"Whereas the existence of an organized National Guard unit has been of tremendous benefit and played a big part in the planning of the city of Cisco with respect to fires and natural disasters; and

"Whereas the chamber of commerce has been advised there is a possibility that the Department of Defense may plan to realine the reserve components of the Army, which might result in the city of Cisco losing its National Guard unit: Now, therefore, be it

"Resolved, That the chamber of commerce of Cisco, Tex., go on record opposing such realinement, and that copies of this resolution be furnished to the two honorable Senators from the State of Texas and to the honorable Congressman from this district, and to other interested parties.

"Passed this the 26th day of April 1962."

GENE ABBOTT, *President.*

Attest:

LARRY S. MILNER,
Manager.

WE HAVE MEDICINE AVAILABLE IMMEDIATELY TO CURE THE ILLS OF AN AILING GOLD MINING INDUSTRY—LET US USE IT

Mr. GRUENING. Mr. President, on April 25, 1962, the U.S. gold reserve hit another low mark. Newspaper reports published in both the Wall Street Journal and the New York Times for April 27, 1962, reported this distressing fact.

The Wall Street Journal noted:

At $16,495 million Wednesday, the gold stock was at its lowest since August 16, 1939, when it was $16,335,000.

The New York Times stated:

For the first time this year, the pace of 1962 gold loss exceeds that of 1961.

Mr. President, I ask unanimous consent that the full text of both newspaper articles be printed in the RECORD at the close of my comments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRUENING. Mr. President, it is perfectly obvious that we must mine more gold to replenish depleted stock. When shoes wear out the consumer buys a new pair or has them repaired. He does not walk around barefooted, exposing his feet to cuts and bruises and possible infection.

I think it about time we applied medicine and helped stop this spreading infection which is destroying a once vigorous industry today hampered by an outdated pricing system.

The solution proposed in Senate Joint Resolution 44, a subsidy for newly mined domestic gold, is a medicine we can apply quickly and effectively.

Perhaps the solution will be found by the enactment of Senate Joint Resolution 44, of which the distinguished Senators from California [Mr. KUCHEL and Mr. ENGLE], the Senator from Idaho [Mr. CHURCH], the Senator from South Dakota [Mr. CASE], and I are cosponsors. It was Senator ENGLE who introduced the bill last year.

An excellent article describing the outflow of U.S. gold reserves appears in the May 1962 issue of the American Legion magazine.

The author of "The Flow of Gold" is Mr. Lawrence Fertig, a columnist for the Scripps-Howard newspapers.

Mr. Fertig writes:

A chart showing the flow of gold into and out of the leading nations of the world can be compared to a fever chart of a patient striving to get well. And this flow of gold has a direct bearing upon the economic well-being of every citizen. It affects his job, the purchasing power of his weekly salary, the current value of his savings and the future value of the money which he or his Government has set aside to help support him in his old age.

Even as the article was written, our gold supply dribbled away, from $16.7 billion down to $16.5 billion.

Author Fertig has stressed the importance of having our Nation's monetary outflow match inflow. This is often described as our balance of payments.

He points out:

It is obvious that our spending for foreign aid is of great importance in our balance-of-payments deficit.

Indeed it is. As I have so often stated on the floor of the Senate, it is time this Nation took a more realistic look at its foreign-aid program and made a more realistic appraisal of the results. Year after year we gallantly send our dollars overseas, to accomplish good works. I think it should be obvious that these missions too often have failed and have boomeranged.

Our gold reserves are going down. They will not be bettered until we end our imprudent aid attempts to certain nations which have been, and are, and will, I predict, continue to be flagrantly unfriendly. One cannot buy friendship. I shall have further comments to make on this matter later. But for the moment that is not the issue. The issue is to get more gold for Uncle Sam.

Today, I am concerned with the shaky state of the U.S. gold bullion reserve. A balance of payments will be in part corrective; but in our haste to make balance, let us not forget the industry which supplies our source of gold.

The gold-mining industry has not only been neglected. It has suffered unique and flagrant discrimination. It has been held in a price vise, an economic straitjacket, by Government decree.

How long must it pay 1962 prices and receive a 1934 income?

Times have changed. Yet the price paid by our Government is set at $35 per troy ounce of new gold. That price was set nearly 30 years ago.

I wish Mr. Fertig had included in his article on gold a statement on the pressing need today to assist our national gold-mining industry while it still breathes. A sick patient will recover if given proper treatment.

Mr. President, I ask unanimous consent that Mr. Fertig's article be reprinted in full in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From American Legion magazine, May 1962]

THE FLOW OF GOLD—HOW IT AFFECTS YOUR POCKETBOOK, YOUR JOB, AND YOUR FUTURE

(By Lawrence Fertig)

Gold. This magic word has echoed down the ages of recorded history in countless tongues among the world's many civilizations. Throughout history gold has always represented in the minds of people the ultimate in economic security. In good times and bad, gold has rewarded its owners with the ability to instantly command the goods and services of the world.

In modern times the British economist, John Maynard Keynes, dismissed gold as a barbarous relic of the past and asserted with unwarranted certainty that it represented an outworn dogma. But another British economist, Roy Harrod, who wrote a very sympathetic biography of Keynes, disagreed and more nearly expressed the truth when he said that "The collective wisdom of mankind has assigned a certain role to gold * * * it may not be a perfect device, but on the whole it is a remarkably good one."

Today, as in ages past, nations strive to accumulate gold in their national treasuries. Theorists arise from time to time who assert that gold can be dismissed except as a metal for industrial use. But nevertheless, the world goes on with its money closely linked to gold because people everywhere, as in all history, recognize it as a means of storing value for the future and retaining value for the present. Currencies which are linked to gold and therefore limited in quantity are most likely to retain their value. "Paper" currencies, manufactured at will, tend to lose their value.

A chart showing the flow of gold into and out of the leading nations of the world can be compared to a fever chart of a patient striving to get well. And this flow of gold has a direct bearing upon the economic well-being of every citizen. It affects his job, the purchasing power of his weekly salary, the current value of his savings, and the future value of the money which he or his government has set aside to help support him in his old age.

When a nation permits itself to be weakened by economic ills, gold flows from its treasury in more or less rapid fashion, the fever chart points up. When a nation achieves economic health, it attracts more of the world's gold, the fever chart points down.

For instance, when the Federal Republic of Germany was emerging from the chaos and destruction of World War II she was a povery-stricken nation with practically no gold in her treasury. Under the guidance of her Economics Minister, Ludwig Erhard, she started on the road to recovery by establishing sound economic principles. Germany vowed never to inflate her currency and her tax laws encouraged thrift, work, and investment in industry. As a result, she became the most prosperous nation in Europe and today the Federal Republic has in her treasury over $3.8 billion of gold (and approximately an equal amount of dollars which, as we shall see in a moment, are used in international exchange just like gold).

On the other hand, the United States which had over $24 billion of gold in its Treasury immediately after the war, took a different path. It followed the inflation formula. As a result, when Europe no longer was in dire need of everything we produced, she demanded gold for many of the dollars she had accumulated.

Our gold supply has steadily declined until today it is near a danger point. We have approximately $16.7 billion of gold and we have steadily lost some of it every few months. We have been losing gold because we have not, in the eyes of the world, successfully fought our economic ills. Our fever chart sometimes flattens out for a few months, but it is still rising, and if continued, will reach a crisis point.

LINK BETWEEN GOLD AND THE DOLLAR

Today the significant fact about gold is that it is linked to the dollar throughout the non-Communist world. But that link has been broken for the citizens of the United States. It is illegal for U.S. citizens to own gold either here or abroad. They cannot—as citizens of other nations can—express their preference for gold over dollars. It appears that our Government is fearful of how American citizens might act if they were free to change dollars for gold in a free gold market, such as the one that exists in London. Our Government does not want the price of gold to rise in free markets and the dollar to become weak. So the authorities have made it illegal for U.S. citizens either to buy gold abroad or to exchange their dollars for gold over here.

But the link between the dollar and gold internationally is so close that if anything should happen to the dollar—if our economic policies should undermine the world's confidence in our currency—then there would not only be a national crisis, but there would be a world crisis.

The reason is that every important nation of the non-Communist world employs dollars as the equivalent of gold for the foundation—the base—of its monetary system. Thus if the dollar, because of special weakness, is devalued by action of the United States unilaterally—if it becomes worth less in relation to gold and other major currencies—the treasury of every important nation of the West will suffer a great loss.

More important still, the confidence of the world in the United States would suffer a severe shock. Foreign trade would be confused and curbed because its basic unit of exchange—the dollar—would be under a cloud. People would be apprehensive about the dollar's future value. The implications

would be not only economic, they also would be political and would affect our military alliances.

WHO CAN GET U.S. GOLD

Under our law the U.S. Treasury is empowered to sell gold at $35 an ounce to foreign governments and foreign Central Banks (such as the Bank of England, the Bank of France, etc. These Central Banks correspond in a way to our Federal Reserve System). This law does not apply to individuals.

The U.S. Treasury also buys gold mined by domestic companies at the same fixed rate. (Last year this amounted to $53 million.)

Many eminent economists assert that this $35-per-ounce price for gold today is too low and should be changed. They reason that it is an artificial price in terms of all other commodities, and also that it is a tiny base for the vast amount of bank deposits which have been created since the war. Only by establishing a realistic price for gold can we ever get back to a true gold standard which would permit U.S. citizens to freely exchange dollars for gold and restore complete confidence in the value of the dollar. But even the most ardent advocates of a higher gold price agree that:

(1) This must not be done by unilateral U.S. decision, but by international agreement; (2) All major world currencies must be realined, based upon the new higher gold price; and (3) Such a move should be made only if measures are simultaneously taken to prevent a new round of inflation resulting from this change in the gold price. This change in the price of gold is a highly technical and involved subject which need not be discussed here.

The important fact is that whatever the price of gold, the United States must be guided by sound economic policies outlined in this article, or it will get into trouble.

Today foreign nations must depend upon the fact that the U.S. Treasury will honor its commitments to give gold for dollars at the rate of $35 an ounce. This is an important fact to them because every foreign central bank employs dollars as the equivalent of gold in backing its currency, and these dollar holdings would represent a loss if the dollar plunged downward. When bankers refer to their "reserves" against currency and credit outstanding in their individual countries, they state their statistics as "gold and convertible exchange"—the "convertible exchange" being mostly dollars.

Foreign individuals as well as foreign central banks are concerned with the value of the dollar and can influence the flow of gold.

While individual citizens of foreign nations cannot bring their dollars to the U.S. Treasury and cash them in for gold as their central banks can, they nevertheless can easily get gold in the free market of London. In that market they register their fears, hope, and expectations on the future value of the dollar. They bid for gold with dollars which they can get in exchange for their own local currencies.

This free market gold comes mainly from the production of newly mined gold in South Africa, etc. Also, some comes from Communist countries which must have Western goods and pay for them this way. Last year Communists sold $200 million gold in free markets.

The price of gold in the London market can, to be sure, be somewhat controlled by the U.S. Government. We can—and have—used some of the vast gold stocks to dampen down speculative fever. When the price of an ounce of gold was pushed up to $40 an ounce in October 1960, the U.S. Treasury quietly arranged with the Bank of England to release a lot of gold for sale on the market. Today, the price in London is a little over $35 an ounce. Will it stay there?

No one knows. It all depends on how much confidence people have in the dollar and whether they begin to get a sneaking suspicion that the dollar might have to be devalued, after all. If confidence in the dollar is lacking, the price of gold will ultimately rise in the free market. The U.S. Government can, by special arrangement, dampen it down for a long time, but not forever.

It must also be remembered that the individual owners of pounds, marks, francs, etc., can register their fear about the dollar in another easy fashion. They can, if they are disturbed, simply swap their dollars for other currency. When they do this, their dollars end up in the vaults of the central banks of their country. If there is a flood of such dollars, the central banks become apprehensive. They may decide that they have too many dollars and not enough gold. So they in turn convert their dollars into gold, at the standard rate of $35 an ounce. This is precisely what they have been doing over the past few years.

Since it is in the interest of foreign central banks to see that the value of the dollars is maintained, it is to be expected that they will not press the U.S. Treasury to convert the dollars they own into gold at too rapid a rate. There is some kind of sub-rosa agreement among the central banks at the present time. Also, a formal agreement was reached in Vienna in the fall of last year by leading nations which set up the International Monetary Fund. They agreed to set up a pool of about $6 billion of various currencies of the world—pounds, francs, marks, liras, etc. These currencies can be loaned to any nation in trouble, under certain conditions.

It is an ironic fact that this Fund was really organized because of the threat to the dollar. The once-powerful U.S. dollar will probably now have to go hat-in-hand to other nations for support. The lending of these currencies can take the pressure off the dollar temporarily. But no currency in the world can be saved permanently by loans. Eventually the dollar will have to stand on its own feet, and its price will be determined by the value that other people place upon it.

CONFIDENCE: KEY TO THE GOLD DOLLAR PROBLEM

What is the basic reason for confidence or lack of confidence in the dollar? This is the heart of the problem. How do people judge whether the dollar should be converted into gold or not?

Their judgment is made on the basis of two facts which are closely related to each other:

1. How sound are the basic monetary, tax, labor, spending and other policies within the United States? Are they inflationary and are they undermining the strength of the dollar? If we are overspending, and our policies are inflationary, many people will demand gold for their dollars.

2. What is the trend of our balance of international payments? Our balance-of-payments may be described as the net figure resulting from balancing all the dollars we send abroad against all the dollars received over here from foreign sources in any one year. This figure is closely watched throughout the world and has an important bearing on the strength or weakness of the dollar. If our balance-of-payment threatens to be negative and fairly large (that is, if we are sending many more dollars out than we are taking in) it will shake confidence in the dollar.

The elements going into the balance of our payments are the following: (a) We export goods and we import goods. This gives us a net credit or a net deficit. Last year we exported $5.2 billion more than we imported. But that is not the entire story. (b) In addition, we paid out about $5.6 billion for military and foreign aid of various kinds. (c) We send dollars abroad for investment in foreign countries and we receive dollars for investment over here from those countries.

Our net balance for all these items last year showed a deficit of $2.4 billion, and in 1960 a deficit of nearly $4 billion. It is obvious that our spending for foreign aid is of great importance in our balance-of-payments deficit. Under Secretary for Monetary Affairs Robert V. Roosa summed up the matter recently when he said: "Unless we have our accounts in balance—that is, unless we have as much money or more money coming into the United States as we send overseas—we cannot maintain the value of the dollar."

This is a sobering appraisal.

Why is the deficit in our balance-of-payments so threatening? It is because foreign holders of dollars (who do not exchange them for gold) invest them to a great extent in short-term U.S. obligations of various kinds. These short-term investments can be quickly sold and converted into dollars, and dollars can then become a claim on American gold.

Currently, foreign short-term dollar claims total over $21 billion. Offsetting these, we have a total gold stock of $16.7 billion. But not all of our gold can be used today to meet foreign claims. For, according to the law, the Federal Reserve banks must hold a gold reserve (which currently would amount to $11.5 billion). Thus, there would be left a relatively small amount to meet foreign claims in gold. Some people have advocated that the law be changed to eliminate this gold reserve so that foreign holders could be assured of getting all of our gold stock if they wanted it. Such a move to deplete us of our gold would be disastrous. Furthermore, it would undermine foreign confidence in the dollar, not increase it.

Such a move would be made in an effort to soothe foreign holders of dollars. But its net effect would be to take away any automatic restraint upon the issuance of paper dollars. The dollar would be paper money—fiat money—with no legal gold backing behind it. The history of such paper money has not been a pleasant one. In fact, it is replete with tragic episodes, such as the bonfire that the French finally made of their paper "assignats" at the end of the 18th century.

So, basically, the only way we can make the dollar strong and stop the outflow of gold is to correct our balance-of-payments. This can be done only if we curb the inflationary policies in this country.

ANTI-INFLATION POLICY NECESSARY

What policies that contribute to inflation must be curbed?

1. At the root of all our problems is Government deficit spending. When the Government spends more than it takes in, it creates new money, manufactured through the banking system. This is outright inflation of the money supply, and eventually causes rising prices.

Increased spending for civilian projects, piled on top of necessary defense spending, is one of the major causes of our deficit spending troubles.

In a rich country like ours, defense money of whatever magnitude must be provided. But our projected increase for civilian spending in the 1963 budget, is at least 50 percent greater than the increase for defense spending, according to Senator HARRY F. BYRD, Chairman of the Senate Finance Committee and Chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures. Furthermore, we must stop indiscriminate handouts of billions abroad. It is necessary to aid our allies, but we give money to enemy countries like Poland and Yugoslavia. And why pour so many billions into so-called neutralist countries which side with our enemy at almost every opportunity?

2. Decreased spending will help us to balance the budget now, not in the dim future. This will halt inflation and encourage confidence in the dollar.

3. Our banking authorities must not go in for a policy of making money artificially cheaper to borrow. Low interest rates over here cause dollars to flee this country in search of higher returns abroad. A restrained monetary policy is essential to a sound dollar.

4. In order to sell more goods to foreign nations our prices must be competitive. But if our prices are to be competitive, then industry costs must not skyrocket. Therefore, an intelligent labor policy is essential for a sound dollar. We must put a curb on the monopoly feature of unionism which underlies the excessively high cost of American goods in many industries. If our costs and prices are pushed too high, our exports will diminish, the deficit in our international payments will increase, and the outflow of gold will become more rapid.

5. Our steeply progressive income taxes must be revised. These taxes place a penalty on the creative power of the United States and place us at a disadvantage with the rest of the world.

It is important to remember that the policies which this country pursued 10 or 15 years ago are no longer possible. They would cause a national and international crisis today. In those days the world needed American goods regardless of our prices. The world needed dollars and bought them with gold and foreign currencies regardless of our economic policies.

Even though we inflated the money supply, even though wage costs and prices zoomed upward each year, even though practically all our policies were inflationary, nevertheless, gold did not leave this country and the dollar remained strong in international markets during the early post-war years. This era may well be called the American Era, because we dominated it with our industrial and financial power, but that day is gone. The picnic is over.

Today, we must curb our inflationary policies if we do not want to bring on a crisis. Such a crisis could take the form of curbing the export of American dollars (exchange controls). It might mean an embargo on the shipment of U.S. gold, thus repudiating our promise to pay gold to central banks. Such moves would have the same effect as official devaluation, since they would cause the dollar to sink in foreign markets. Finally, of course, the dollar might be officially devalued.

If a dollar crisis developed, a new inflationary force would be set in motion. This could affect the value of our savings, income from our jobs, the prestige of the United States and, to a great extent, the strength of the entire Western World.

Even though the present outflow of gold from the United States has subsided for some months, our fever chart is still rising on an annual basis. The dollar is not in a healthy condition. Only noninflationary economic policies can make it well again.

EXHIBIT 1

[From the Wall Street Journal, Apr. 27, 1962]

U.S. GOLD OUTFLOW TOTALED $40 MILLION IN WEEK TO WEDNESDAY

NEW YORK.—A further $40 million outflow of gold from the U.S. monetary reserve in the week ended Wednesday pushed the Nation's total decline in gold holdings so far this year to $39 million, according to Federal Reserve figures.

At $16,495 million Wednesday, the gold stock was at its lowest since August 16, 1939, when it was $16,335 million.

This year's decline to date exceeds the net outflow of $277 million in the like 1961 period. In the first two months last year, there was a $394 million gold loss, but that was offset in part by a return flow which began in March and continued intermittently into July. A resumption of the outflow later in 1961 carried the year's total gold drain to $877 million.

Reduction in the Treasury's gold stock mainly reflects sale of the metal to foreign central banks and governments. The U.S. Treasury sells gold to them on demand at a fixed price of $35 an ounce, plus an additional charge of 8¾ cents an ounce.

These sales to foreign official agencies grow out of the continuing deficit in the U.S. balance of payments, an excess of payments to foreigners over receipts from abroad. As dollars accumulate overseas, they pass into the hands of foreign central banks, which convert some of them into gold by buying it from the U.S. Treasury.

[From the New York Times, Apr. 27, 1962]

U.S. GOLD SUPPLY DROPS AGAIN—BUSINESS LOANS DOWN FOR WEEK

The U.S. Treasury gold stock fell last week for the eighth time in the 16 weeks of 1962. The Federal Reserve Bank of New York reported yesterday that the latest drop in the Nation's store of monetary gold amounted to $40 million for the week ended on Wednesday.

This erosion followed a $75 million loss the week before. It raised the total gold outflow thus far this year to $395 million. For the first time this year, the pace of 1962 gold loss exceeds that of 1961. Last year at this time, the total outflow amounted to $377 million.

The U.S. supply of monetary gold—in effect, the Nation's international bank account—now stands at $16,495 million. This is the lowest level since August 16, 1939, when the figure was $16,335 million.

BUSINESS LOANS DOWN

On the local financial scene, the Reserve Bank reported that business loans at the major New York banks in the week ended Wednesday were down $150 million. In the year-earlier week, the decline was $100 million.

Much of the seasonal decline in business borrowings at this time of year results from net repayments of loans by tobacco companies. Last week, in addition to seasonal declines, transportation, communication and other public utility companies repaid bank borrowings from the proceeds of funds raised in the capital markets.

So far this year, there has been a net decline in business borrowings at the New York banks of $315 million. A year ago, these loans were down $237 million. Business loans normally decline during the first half of the year and increase from summer onward to year-end.

The total of business loans New York banks amounted to $10,787 million on Wednesday, compared with $10,538 million a year earlier.

In Chicago, business loans at the major banks were down $29 million for the week ended on Wednesday. In the 1961 week, they fell by $13 million.

Mr. KUCHEL. Mr. President, will the Senator from Alaska yield?

Mr. GRUENING. I yield with pleasure to the distinguished Senator from California.

Mr. KUCHEL. Mr. President, pending before the Senate Committee on Interior and Insular Affairs is the proposed legislation of which my very able friend, the Senator from Alaska, speaks. A number of us have joined him in sponsoring that measure.

The imbalance of payments and the outflow of gold occupy a considerable portion of the time of the Chief Executive of our country, of the Congress, and of all officials—high and low—in Government who are responsible for the economy of our country.

I agree completely with what my able friend, the Senator from Alaska, just now has said with respect to the magnitude of the problem and with respect to the difficulties of the gold mining industry—difficulties in part certainly resulting, I must say, from a regrettable, unrealistic position of the Government with respect to the price at which gold shall be purchased.

The ACTING PRESIDENT pro tempore. Under the 3-minute limitation, the time available to the Senator from Alaska has expired.

Mr. KUCHEL. Mr. President, I ask unanimous consent that I may proceed for an additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KUCHEL. So I rise, Mr. President, not only to congratulate my friend, the Senator from Alaska, for the comments he has made on this subject, but also to use this floor to reiterate my own request that our proposed legislation be given a prompt hearing in the public interest.

Mr. GRUENING. I thank the Senator from California.

I wish to ask him whether he was not struck by the anomaly that in their adverse reports on this measure, of which he is a cosponsor—a measure which merely seeks "to subsidize the miners"—the executive department heads address themselves to an unrelated issue, namely, that the price of gold should not be raised, whereas the resolution does not seek to raise the price of gold.

Mr. KUCHEL. That is correct, and that is all the more reason why the public interest requires that this measure be given a prompt hearing by the Interior and Insular Affairs Committee.

Mr. GRUENING. I should like to ask the Senator from California——

The ACTING PRESIDENT pro tempore. The additional time yielded to the Senator from Alaska has expired.

Mr. GRUENING. I ask unanimous consent that I may proceed for 1 more minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRUENING. I should like to ask the Senator from California whether he knows of any other situation in our purportedly free economy in which an industry is compelled by Government action to sell its product at a price which existed 28 years ago, and cannot do otherwise, whereas it must pay all the increased prices and costs which have developed in the last 28 years.

Mr. KUCHEL. Of course I do not, for the simple reason that there is no other situation similar to this one.

I wish to say that I speak not only as a Californian who happens to know something of the plight of the gold industry, but also as a United States Senator who has an interest in having this country maintain a superiority with respect to the production of gold—which,

on the basis of the record and the statistics encompassed in the article the Senator from Alaska has just now placed in the RECORD, is demonstrated to be on a dangerous and continuing downward trend.

Mr. GRUENING. I thank the Senator from California; and I hope we shall have further hearings on this measure and call before the committee representatives of the agency, executive agencies who have reported adversely and question them as to why they oppose this very wise, laudable, and needed measure.

The ACTING PRESIDENT pro tempore. The additional time yielded to the Senator from Alaska has expired.

ARIZONA FOUNDERS' DAY ADDRESS BY FORMER SENATOR ASHURST OF ARIZONA

Mr. GOLDWATER. Mr. President, several weeks ago the students, faculty, and friends of the University of Arizona were privileged to hear an address by a man who is recognized as one of the finest orators this country has produced, the Honorable Henry Fountain Ashurst, former Senator from Arizona. Senator Ashurst spoke on the occasion of the 77th anniversary of the founding of the University of Arizona and the centennial of the signing of the Land Grant Act. Although the printed word pales beside the spoken word of this distinguished Arizona Senator, I suggest that the message of Senator Ashurst would be of interest and value to all of my colleagues and I ask unanimous consent that his speech at Tucson, Ariz., on March 12 be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE HONORABLE HENRY FOUNTAIN ASHURST, FORMER U.S. SENATOR FROM ARIZONA

Mr. President, members of the faculty, student body, and other ladies and gentlemen. Last evening the long distance rang, and a gentleman from Washington—a friend of mine who is interested in speaking—said, "Well, Ashurst, my best wishes. Have you your speech in hand?" I said, "No." He said, "You have to speak to a distinguished audience. I know Tucson. You are to speak to a very discriminating audience. And you haven't your speech in hand?" I said, "No, I have it in my head."

After listening to the generous and brilliant introduction of President Harvill, my speech is not in my hand; it is not in my head; my speech is now in my heart. I am profoundly grateful for the honors that this university has conferred upon me, and I take this occasion to thank the people of Tucson and the press of Tucson for their kindness and their gentle conduct toward me.

If in the course of my address I stumble, or hesitate, forgive me. I'm old—no, I'm not old. I am a man of years. When the ambition to speak distinctly and the ambition to employ our English language no longer thrills me, you may then call me old. Before I leave this question of age, I'm going to recite you a couplet:

"When age enfeebles legs and arms
And works dire havoc with their charms,
Some foolish people fret with rage,
When they behold these signs of age.

"They buy restorers to renew
The vanished locks of raven hue,
And dopes and lotions to remove
The marks of time, the seam and groove.

"The more they fret, like that gazook,
The more they grieve the worse they look.
It's better far to say, I know
I have improved since long ago.

"I have a more majestic stride;
I have more dignity and pride.
There's no person I'll deride,
There's no storm I'd fear to ride,
And there's no fate I can't abide."

So much by way of camaraderie.

In this address I am adverting only to events occurring prior to statehood; the astounding advance and progress of Arizona subsequent to statehood are facts well known to all and require no recital from me.

Arizona was a populous land before the Egyptian Pyramids were built. Ancient Arizona peoples wove and spun cotton and flax into gay raiment and melted gold and silver into chieftain's ornaments and queen's girdles and melted copper into chieftain's battle axes before Julius Caesar's victorious legions brought tribute back to antique Rome.

Centuries before the Knickerbocker set foot on Manhattan Island, ancient peoples irrigated Arizona fertile sands from canals and reservoirs finished with hard linings of tamped or burnt clay which in some degree possessed the endurance of our modern concrete.

The origin of those peoples is unknown; wrapped in the mists of antiquity. Nothing has been found of sufficient distinctiveness to enable us to do more than form ingenious theories as to whence they came, how long they enjoyed their tolerable civilization and whither and why they went.

Likewise, obscure and meager is that portion of our annals where we must seek for the meaning and derivation of the name "Arizona." Authorities differ widely as to the derivation of the word "Arizona" but many of the authorities seem to agree that the word means: Place of small springs or land of few springs.

The first Caucasians to enter Arizona were two Friars, Asunsion and Nedal who came in 1538—Marcos de Niza came in 1539.

History reveals nothing more fascinating than the annals of the conquistadores representing Castilian pride and power; Coronado, Alarcon, and their comrades, who flourished in the 16th century and made what they called their grand tours over the Western Hemisphere impelled by a thirst for adventure and imbued with a contempt for danger. Francisco Vasquez de Coronado, a native of Salamanca, Spain, who had attained distinction as a soldier and statesman, entered Arizona in 1540 at the head of his command, wearing a plumed helmet of steel and wandered for years in search of the gems and gold of Arizona's mythical seven cities of Cibola. Coronado's rambles yielded him no pecuniary profit, but he reported to his sovereign that his explorations rewarded him as richly as if he had found the legendary cities; his men had discovered the Grand Canyon.

Hernando de Alarcon sailed from Acapulco in May, 1540, and reached the head of the Gulf of California, then known as the Sea of Cortez. He reported that he found a mighty river that ran with so great a fury that we could hardly sail against it. There began the acquaintance of Europeans with the Colorado River.

When these conquistadores omitted to establish settlements, Spain's interest in the Arizona region lapsed but was revived early in the 17th century and took the form of missionary zeal.

The leaders of the American invasion were Kit Carson, the scout and trapper; Sylvester Pattie and his son; Felix Aubrey; Lt. Zebulon Pike; Bill Williams; R. W. Hardy; Jedediah Smith; Pauline Weaver; Gen. John C. Fremont, Senator from California, candidate for President, Governor of Arizona; Gen. Stephen W. Kearney; Lieutenants Whipple, Sitgreaves, Beale and Jacob Hamlin and Alexander W. Doniphan, the soldier and lawyer from Missouri.

In 1850 the first steamboat, a stern-wheeler, named *Yuma* entered the Colorado River.

In 1858 Lieutenant Ives, with the little steamer *Explorer,* ascended the Colorado River as far as the lower end of Black Canyon. Lieutenant Ives' son, Eugene Semmes Ives, of Tucson, was a learned lawyer—an accomplished, erudite gentleman. Major Powell, explorer and geologist, left a rich legacy of his early explorations of the Grand Canyon. Only a facile pen and it dipped into the ink of temerity may attempt a description of the Grand Canyon with its pyramids, minarets, temples and sheer cliffs between whose walls there rolls and tumbles the Colorado River.

Prior to the entry of the Southern Pacific Railroad into the Territory, in 1879 merchandise and supplies were brought to Yuma and Ehrenberg by steamboat and thence distributed by freight teams drawing wagons to the various settlements. Six months were frequently required to transport a consignment of goods from San Francisco to the interior of the Territory.

The transcontinental railroad lines followed the general course of historic trails and stage roads.

The Santa Fe Railroad, originally named "Atlantic & Pacific," followed the general course of the old Santa Fe Trail, while the Southern Pacific followed generally the once busy Butterfield stageline.

The Santa Fe Trail, established in 1822, first ran from the Missouri settlements to Santa Fe, N. Mex., and was later extended to the Pacific Ocean. This Santa Fe Trail passed through the Petrified Forest, whose trees lined their green milleniums and put on immortality 7 million years ago.

The city of Tucson, one of the oldest cities in the United States, has undergone various conditions of occupancy: An Indian pueblo; mission for Spanish priests; presidio for Spanish soldiers; rendezvous for Mexican troops; Capital of the Confederate Territory of Arizona and later capital of the Union Territory.

On December 12, 1846, Lt. Col. St. George Cook reached Tucson; he was the commander of the Mormon battalion, composed of 400 courageous Mormon soldiers who were marching to the assistance of Gen. Stephen W. Kearny in California.

The command passed through the gate into this then walled city, whereupon Colonel Cooke raised the American flag and announced that no civilian would be harmed, as his troops would not interfere with the private property or civil rights of the citizens.

Arizona was organized as a territory by the Congress of the Confederate States a year before the Congress of the United States in 1863 erected the Union Territory of Arizona.

In 1865 the Territorial Legislature created the county of Pah Ute in Arizona's northwestern corner but within 6 months thereafter, Congress attached Pah Ute County to the State of Nevada and Pah Ute citizens sang: "It was so soon that I was done for I wonder what I was begun for." Thus Arizona's square mileage was reduced from its original area of 120,812 square miles to its present 113,956 square miles.

The civil government of the Union Territory was formally set up at Navajo Springs in 1863; hence the capital may be said to have been once at Navajo Springs. The capital was at Prescott from 1863 to 1867; at Tucson from 1867 to 1877; again at Pres-

cott from 1877 to 1889, when it was located at Phoenix. Almost immediately upon the erection of the Territory the question of statehood was agitated, as the Territorial government was organized by men of large ability and high ambition. The first Delegate to Congress, Charles D. Poston, born in Kentucky in 1825, was a brilliant orator and charming reconteur.

A constitution was framed in 1891 and was ratified by the voters but Arizona was denied admission into the Union because the proposed constitution contained a provision that silver as well as gold should be legal tender for the payment of all debts, public and private.

In 1906 Senator Beveridge of Indiana proposed a plan of uniting and admitting Arizona and New Mexico as one State; the Beveridge bill passed the House but Senator Joseph Benson Foraker of Ohio, assisted by the then Arizona Delegate, Marcus A. Smith, vigorously opposed the joint statehood bill. The bill passed the Senate with the Foraker amendment which provided that the vote of Arizona and New Mexico, counted separately, should determine whether the two Territories should be admitted as one State. Thus, under this Foraker amendment at the elections in 1906, Arizona by a large majority declined to link her destiny with another community.

An enabling act authorizing the admission of Arizona and New Mexico, as separate States, was passed by Congress through the efforts of Delegate Ralph H. Cameron and was approved by President Taft on June 20, 1910. The Constitutional Convention assembled in October of that year and, after a session of 60 days, framed a State constitution which was ratified by the voters and on February 14, 1912 President Taft issued his proclamation declaring Arizona admitted to statehood and on the same day George W. P. Hunt became the first State Governor.

Kansas is a State that had difficulty in securing statehood. She adopted as her motto—and I display my little Latin—Ad astra per aspera—to the stars through difficulties. Arizona reached the stars through difficulties but whether you are in politics, on the stage as Thespian or in any other energy of life, you reach stardom only through difficulties.

At the risk of being trite and boresome—but a number of the faculty historically minded—have asked me to tell something of the early-times people. You have been so kind to me that it would be a poor requital of your courtesies if I were to bore or tire you.

The early pioneers are vanishing. I seem to be a remnant of an epoch that's faded except in memory. I've had many tasks, in my time, but it is a very difficult thing for me—or for anyone else—to translate for you and bring to you the scenes of, early times—how different they were, not better nor worse, but different. The newspapers were well-printed; they were authority. They were fiercely partisan; the type was clear and their coverage was excellent. The teachers were adequate to the purpose. They knew the Greek and Latin elements, and were strict disciplinarians. Corporal punishment was inflicted on boys and girls for any infraction of rules. The clergymen were adequate to the purpose; they were fervent, and their sermons, many of them, were eloquent.

I am glad to hear that Dr. A. E. Douglass is still with us. I knew him in Coconino County nearly 70 years ago. He is a learned, erudite gentleman: an astronomer, a student of the cosmos, who pierced the skies with his telescope. Sixty years ago he was nominated by the Republicans as a candidate for probate judge, an important office in territorial days; the Democrats nominated against him a noted raiser of swine and that campaign went into history as the contest between a stargazer and a hog raiser. The stargazer won.

During our territorial days we had 12 different men who served as our delegate to Congress. They were virile, able men. Among them was Ralph H. Cameron, of Coconino County; he was a salty Yankee—I respect them. At that time there was one town in the territory that had no church. A resident of that town telegraphed to Mr. Cameron saying: "Please get us an appropriation for a church for this town." Delegate Cameron telegraphed in reply: "I cannot get you appropriation for church; Constitution of the United States does not permit. Moreover, Congress cannot do anything about religion. You do not need a church; what you need is a good jail. I'll get you a jail."

The governors of the territory were appointed by the President of the United States and the various governors were virile, able men, some of them of national fame. For example, Gen. John C. Fremont, explorer, Senator from California—once worth millions of dollars—lost it all; was reduced to penury. Gov. F. A. Tritle, friend of Mark Twain, signed the bill establishing this university. Gov. Ben Franklin—no relation—was a portly man. Had been a Representative in Congress from Missouri. He called upon President Cleveland and asked to be appointed as Consul to Hankow, China. President Cleveland said to him: "Mr. Franklin, it is the policy of my administration to appoint Consuls who speak the language of the country in which they are accredited—as they have to do with commercial affairs. Do you sir, speak Chinese?" Mr. Franklin replied: "Mr. President, ask me any question in Chinese and I'll answer you in Chinese." President Cleveland glared at him with mustachios bristling and then said: "Mr. Franklin, you will be appointed tomorrow, possibly this afternoon."

From the earliest territorial days culture and talent were worshiped; education was highly prized and in every settlement—however crude—there was a Shakespeare Club—a Milton Club. Tombstone, in her days of blood and silver, had a famous Shakespeare Club. At that time in Tombstone there was a versatile and sparkling lawyer who lingered long where the bubble, joy, danced in the bottle of inebriety. He accepted the club's invitation to speak on Shakespeare and instead of remaining sober he lubricated himself into lubricity. A few days prior to his engagement to speak—a slicker from New York—had filled Tombstone with rubber checks and many Tombstone persons were mourning the New Yorker's untimely departure. Our lawyer friend began his speech to the club: "Ladies, you will recall that Shakespeare begins his tragedy, Richard the Third as follows: 'Now is the winter of our discontent made glorious summer by this sun of York,' but I say, now is our glorious summer in Tombstone made into a winter of discontent by that son of a son from New York"; whereupon some of the club members fainted and the orator fled.

In territorial days professional men observed the admonition "Costly the habit as the purse can buy." Among their accouterments they wore quality boots. The lawyers had a habit of setting their feet upon a long table in front of the judge's bench.

There was a lawyer named Goodwin who always went barefoot. One rainy day—no pavements, streets muddy—Mr. Goodwin settled his feet upon the table—same table where his brother lawyers had settled their feet—feet encased in high-grade boots. The presiding judge said, "Mr. Goodwin, please remove your feet from the table. I do not object to boots on the table but I do object to you wriggling the mud out at me between your toes."

The birth of a State and its admission into the American Union is an important and majestic event. Under our Federal system it is the most beautiful and symmetrical creation of political authority known to statesmen.

An attachment to the fascination of bygone days is a sentiment found in all civilized peoples. Romance clusters around the history, the genesis, of every one of the States of our Union but it is doubtful if, in the history of any other State, there may be found characters more vivid, dramas more poignant, actions more heroic than those clustering around Arizona.

In the rhythm of life we revere bygone days and try to reconstruct their scenes, and when one speaks of Arizona's early days, one need not garnish one's narrative with prismatic allusions, that is: one is not tempted to overstatement—the simple facts require no embroidery and the wildest hyperbole—the wildest rhetorical exaggeration could not make our territorial days seem more romantic and glamorous than they really were.

In attempting to describe the grand drama of Arizona's settlement one must resort to the lines of the prolog of Shakespeare's play, "King Henry the Fifth": "O for a muse of fire that would ascend the brightest heaven of invention; A kingdom for stage, princes to act and monarchs to behold the swelling scene."

Neither silver tongue nor golden larnyx is eloquent enough, adequately to portray the contributions made by Arizona's pioneer women. In hunger, in thirst, in chil'birth pain, in cruel isolation, in peril of savage men and savage beasts, the pioneer women walked their uncomplaining way and, with a courage beyond the range of eulogy, cheered their men onward in Arizona's panoramic settlement and development.

All the Arizona characters who had to do with the creation of Arizona Territory have completed their earthly journey; have gone beyond the twilight's purple haze to that vast realm where the innumerable dwell. The Arizona pioneers, generally, were clean spoken and chivalrous; slow to anger but when infuriated they burst forth with a profanity and ribaldry which ascribed to the object of their wrath, a canine ancestry and parentage. Some of the pioneer men may, at times here have trodden a tangled trail but they were gay, gallant, and generous, and are now, beyond doubt, happy on the serene and shining pathway of the stars.

To survive the pioneer must need be resourceful and of fortitude and endurance as well; life for many of them was necessarily a life of severe isolation; hence the lonely ranchman, prospector, teamster, cowboy, and sheepherder frequently took refuge from loneliness by entering into the domain of the imagination—that faculty of the human mind—where ideal experiences are possible without objective restraint—where globes of gold expand and float—glittering towers up-thrust themselves—that domain peopled with a phantom throng—invisible to all persons but the eye of the imaginer, and thus many pioneers became endued with intellectual power and tremendous personal charm.

Although territorial days were filled with tragedy and fantastic exploits, courtesy and good manners were the rule. The pioneers, generally, were intelligent, many of them were fairly well educated; they were good-humored and were hospitable toward religion, science, and literature.

Most of the pioneer men would have been at home in any metropolitan club and most of the pioneer women were familiar with art forms, cottage industry, domestic science, and with the fashion edicts of New York, London, and Paris.

Nowadays, it is frequently said by world-weary persons that the glamour and high emprise of other days have departed and

that in this highly mechanized 20th century there is nothing that savors of the romantic or fabulous.

When, however, we make a careful survey, we perceive that high emprise and romantic exploits are occurring all about us; that opportunities for achievement are ever present in our world of today and are at the beck and call of all those persons who will woo those opportunities. The lovely enchantments of bygone days are with us here and now; there is much in everyday life that inspires and gives a mighty upsurge to the human spirit, and as for my single self, I should prefer to live in this present epoch rather than any other epoch this world has known. Romance departed.

It is only a fortnight since one of the most romantic achievements in history occurred. When Colonel Glenn entered his capsule to orbit the earth some papers said that he was alone. Alone. Colonel Glenn was accompanied by the most royal companions that may accompany a man. Above him was his faith in the providence of God; at his right hand sat courage; at his left hand sat skill reading the dials; below him was the glory of three sunrises following one another so closely that they were as the phantasmagora of a dream; below him was the earth spinning at 1,000 miles per hour and he was orbiting that same sphere at 17,500 miles per hour. He was not alone.

I take no stock in the gloomy jeremiads so constantly chanted that the human race will destroy itself; I do not subscribe to the defeatist attitude that human beings are but the hapless zanies of witless fate and thoughtless chance which will overthrow the wisdom of the wise, the valor of the brave, and the trophies of the truth. I reject such philosophy. I reject any philosophy that would doom mankind to futility; I assert that mankind is endued with reason, conscience, ample power of self-direction, and has his own fate in his own hands. Those explosive forces, which have brought such specters of dreadful terror to so many persons will (before the silver of years shall have crowned the temples of the young here) be the selfsame forces that will heat and illuminate man's habitation, transport him and his commerce, and heal and cure many of his physical ills and agonies.

History is but a record of mankind's struggle against his environment and he has, with courage, quite well succeeded thus far; mankind has a special obligation because the human race has been given a mystical strength called conscience, which binds mankind to a duty to survive. No nation, no group of nations can destroy civilization. Mankind is inexterminable as there is somewhere a conservation of moral and spiritual energy which preserves the core of every noble resolve and worthy action and binds them into a beneficent achievement aiding the human race in arduous struggle to establish justice and to conquer all the arts and sciences.

America is now the only first-rate power left in the world where liberty may speak with a voice of authority, amplitude and grandeur; therefore: "Our eternal maxim: All things for America; she is the vital axle of the restless wheels that bear us onward. Beyond the map of America, our hearts will travel not but fill that limit to its utmost verge."

BIG GOVERNMENT AND THE MORAL ORDER

Mr. GOLDWATER. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks an article entitled "Big Government and the Moral Order," written by Roger E. Freeman and published in the May 1962 issue of the Catholic World. Dr. Freeman is well known nationally for his work and writings on public finance, intergovernmental relations, and education. He is now on the staff of Claremont Men's College, Claremont, Calif.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BIG GOVERNMENT AND THE MORAL ORDER

(By Roger A. Freeman, Claremont Men's College, California)

(When "Mater et Magistra" appeared, the New York Times headline announced that the Pope had backed the welfare state. Certain Catholic journalists agreed with this sweeping conclusion and even seemed to imply that the encyclical and other papal teachings endorse the present trend toward big government in the United States. Taking issue with Father Benjamin Masse's address to the Catholic Economic Association last December, Roger A. Freeman challenges certain implications of that address. He concludes that neither papal social teaching nor the current drift toward big government in the United States give us any reason to be complacent about the future of personal liberty in this country. Dr. Freeman is well known nationally for his work and writings on public finance, intergovernmental relations and education. He has served on the White House staff, on several presidential commissions, and as assistant to the Governor of the State of Washington. He is now on the staff of Claremont Men's College, Claremont, Calif.)

Public debate over the proper role and size of government was fanned to new intensity 4 years ago by the appearance of John Kenneth Galbraith's "The Affluent Society." It has not abated since. The Galbraith thesis soon engendered other publications supporting it, including books by Francis Bator, David Demarest Lloyd, and Frederick C. Mosher. It was sharply contradicted in volumes by Henry C. Wallich, Lawrence Fertig, and Barry Goldwater. Some day, when we can view the 1960's in calm retrospect, we may find that "big government" was the most important domestic issue of its time on the American political scene.

A new dimension was added to the debate, particularly for Catholics, when Pope John XXIII's great social encyclical, "Mater et Magistra," was interpreted by some as giving the papal seal of approval and even encouragement to big government. "Welfare State Given His [Pope's] Backing" heralded the New York Times (July 14, 1961), and several Catholic publications made similar, if more moderate, statements.

In his presidential address to the Catholic Economic Association, at its convention in New York in December 1961, Father Benjamin L. Masse, S.J., pondered "whether government in the United States—all government, Federal, State, and local—has become too big a factor in the Nation's economic life, whether it is spending too much, taxing too much, or, in general, throwing its weight around too much." He suggested that "these same questions, projected on a world scale, occupy Pope John XXIII in 'Mater et Magistra'." After a searching analysis of this eminent document Father Masse—"not without some diffidence"—concluded: "* * * it is my opinion that our sprawling government establishment can be amply justified on moral grounds."

It is difficult to take issue with this opinion. We may well hold that the nature and extent of certain governmental activities aggravate, rather than alleviate, moral danger and contribute to, rather than remedy, social ills. But it would take a bold man to assert categorically that government, as found in the United States today, is in violation of the moral law.

Still, I cannot help feeling that there is more in Father Masse's statement than appears on the surface, and that it is intended to convey to the audience not merely the absence of moral objection to the size and type of governmental activity we now experience in the United States. The citations and conclusions from "Mater et Magistra" and laudatory references to our major public programs seem to imply that papal teaching authority favors and endorses the apparent trend in governmental development in the United States. If this interpretation of "Mater et Magistra" is correct, those of us who view a continuation of the trend of ever-expanding government with apprehension may well have to search our conscience more deeply. But * * * is this a correct interpretation of the Holy Father's message?

Father John F. Cronin, S.S., one of our most eminent authorities on the social teaching of the church, holds that "the encyclical is as much pastoral as doctrinal. Those who were looking for innovations in the development of doctrine will not find it there" (Social Order, September 1961). In other words, then, "Mater et Magistra" primarily elucidates principles contained in earlier papal pronouncements. Pope John XXIII expounds the goals of justice and equity in economic and social affairs which public and private forces everywhere should strive for. He instructs us on the state of mind and on the attitude of charity and compassion with which we should approach the solution of social problems.

The Holy Father demands in no uncertain terms that public policies foster greater progress toward justice for families suffering from deprivation. But "the church teaches morals, not economics," as Father Cronin has pointed out in "Social Principles and Economic Life" (Bruce, 1959). Within the limits of the economically feasible and the morally permissible, the Pope leaves us free to choose the means that best fit local circumstances.

Pope John reveals in "Mater et Magistra" a keen awareness of the wide discrepancies among countries in regard to economic development and social conditions. We know that what is a fond hope in one country, to be achieved in years or generations, is a fact or proud achievement in another. What is accomplished by the national government in one country may be more effectively done by local or voluntary action in another.

The Pope, referring to the expanding activity of government, reminds us of the principle of subsidiarity, which was stressed in "Quadragesimo anno." According to this principle it is not fitting that government undertake what individuals and private bodies can achieve. Nor should larger government tackle what smaller (i.e., local) government can accomplish.

When we behold the appalling discrepancies between the wealth of a few and the abject misery of the masses in many countries, and the crass inequities that are permitted to persist, then we may well conclude that we in America are happily situated. To be sure, there is still much to be done here—and a prayerful study of the papal encyclical makes this painfully apparent. But on a comparative basis we may well say that greater social equity prevails in the United States than in many countries of Europe, Asia, Africa, or Latin America, and that it was brought about by the action of individuals as well as of government.

It is natural and right for those who have reached certitude in their own mind on the desirable magnitude of government to speak up and present their views to a wider audience. But has the study of "Mater et Magistra" and other Christian teachings progressed deep enough? Has it led to sufficient clarification and agreement, among competent

scholars and ecclesiastical authorities, to permit us to use this body of teaching as a yardstick against which to measure the proper extent of governmental activity in this country? It seems to me that much fruitful research and discussion are required before final conclusions can be reached.

The great social encyclicals of our time aim at improving the condition of the "working class," a term that is more common in Europe than in the American environment. The difference is not merely semantic. The following example may well illustrate that more than one approach can succeed in achieving the goal that "a just share only of the fruits of production be permitted to accumulate in the hands of the wealthy and that an ample sufficiency be supplied to the workingmen."

"Mater et Magistra" refers twice to the practice of having the workers participate in the ownership and management of the enterprises. This has long been a demand—in some cases fulfilled—of some European labor unions. It is not on the program of American labor because the American worker has achieved the goal of obtaining the "fruits of production" and making his influence felt by other means. This is quite apparent from the changes in the distribution of income since the days of "Quadragesimo anno" as found in U.S. Income and Output, 1957 (1929 figures) and Survey of Current Business, 1962 (1961 figures), published by the Department of Commerce.

Sharing of personal income

[In percent]

	1929	1961
Labor and pensions	61.2	77.7
Corporate dividends	6.8	3.5
Proprietors and rental income	23.5	14.7
Sharing of national income		
Employee compensation	58.2	70.4
Corporate net profits	9.4	5.4
Sharing of corporate income		
Employees	74.6	81.3
Net profits and interest	22.4	9.2
Sharing of gross national product		
Business investment	12.1	9.3
Government	8.1	20.9
Consumer expenditures	75.7	65.0

The increase in the American worker's share over the past 32 years has been truly dramatic. The owner's slice was meanwhile cut in half. Does equity require that it be further reduced? If so, how much would this add to the worker's income and how would it affect the already insufficient supply of investment funds? Plowback profits, a major source of funds for plant expansion, have sharply fallen over the past decade, and investment in producers' durable equipment has relatively declined. Could not further shrinkage of corporate profits harm our economy and the workers themselves?

The social encyclicals demand a living wage for all working people and rightly regret the inadequate income that prevails in many areas.

But American wages already average about three times the rates customary in the industrial countries of Europe—and many times those elsewhere—and adversely affect our competitive trade position. Many persons whose productive capacity is lower than the rate of pay required by law or contract find it difficult to secure jobs and are condemned to long-term unemployment or underemployment. Does this help to promote the employment goals outlined in Pope John's encyclical, "Mater et Magistra"?

To discuss economic problems adequately would clearly exceed the scope of this article. We are here concerned with the size of Government in the United States and with the question of whether it is getting too big. One overall measurement is the relationship between governmental revenues and the national income as found in "Historical Summary of Governmental Finances, Governmental Finances in 1960" (U.S. Bureau of the Census):

Governmental revenues in the United States (National-State-local) 1902–60

Fiscal year	Billions	Percent of national income
1902	$1.7	9.6
1922	9.3	15.0
1932	10.3	20.1
1940	17.8	23.1
1950	66.7	29.0
1960	154.0	37.7

Governmental revenues in 1960 equaled $856 per capita, or $3,424 per family of four. Few taxpayers know that they bear such a heavy burden because most of it is hidden—withheld from their wages, included in the price of goods or added to purchases in small amounts. We may wonder whether they would have approved if they had known and been able to vote on it.

Part of this phenomenal rise in governmental revenues to almost 38 percent of the national income was caused by the demands of national defense. But most of the recent increases can be traced to the growth in civilian services. In an earlier discussion with Father Masse in the pages of America (October 21, 1961), I used the period of 1952 to 1960 for comparison because (a) 1960 is the most recent year for which comprehensive fiscal data are now available; (b) war-connected outlays remained relatively stable between 1952 and 1960 and the depreciation of the dollar came to a crawl; (c) Galbraith and his followers have charged that during that period governmental activity stagnated and failed to meet expanding needs.

Growth of population, economy, and governmental expenditures, 1952–60 [1]

	Fiscal years—		Increase (percent)
	1952	1960	
Population (millions)	157.0	180.7	+15
National income (billions)	$285.8	$408.7	+43
Governmental expenditures (National - State - local):			
War-connected [2]	$58.3	$61.0	+5
Domestic services	$41.5	$90.3	+118
Total expenditures	$99.8	$151.3	+52

[1] U.S. Bureau of the Census.
[2] National defense, foreign aid, veterans' benefits, interest on the national debt.

During this 8-year period, when population grew 15 percent and national income 43 percent, governmental expenditures for civilian purposes jumped 118 percent. This is truly a phenomenal rise during a period of prosperity and under a national administration that proclaimed in its first budget, "We will reduce the share of the national income which is spent by government."

In his earlier mentioned CEA presidential address, Father Masse cited these figures and countered them as follows: "It is a fact that over this period government expenditures on nonmilitary goods and services increased, roughly, from $30 billion to $55 billion. Most of this spending was done by State and local units of government, and it went for such things as slum clearance, sewers, roads, schools, hospitals, fire and police protection. I find nothing dismaying in this."

The facts are essentially as Father Masse stated them. He might even have added that Federal Government purchases for nonwar purposes rose only from $6.7 billion in 1952 to $8.0 billion in 1960. But the Bureau of the Budget reports total Federal outlays (payments to the public) in 1960 for nonwar purposes at $33 billion. In other words—nonmilitary purchases of goods and services accounted for less than one-fourth of all Federal civilian expenditures in that year. "Purchases of goods and services" does not include governmental enterprises, unemployment benefits, public assistance, social security and several other substantial and expanding items. Thus, purchases are an inadequate yardstick for measuring the size of government. All Federal expenditures for nonwar purposes tripled between 1952 and 1960—climbing from $11 billion to $33 billion. This is an even faster rate than recorded for all governments (National-State-local) combined.

This trend has continued undiminished since 1960, though details are, at this time, available only for the National Government. According to the President's budget proposals to Congress in January 1962, Federal outlays for nonwar purposes will rise 31 percent between 1960 and 1963—from $33 billion to $43.4 billion. This might not seem excessive although it is 2 to 3 times the rate of growth that the Nation's economy is likely to experience. But if this trend continues for the next 15 years, Federal outlays for domestic services will quadruple. Does this seem impossible? The fact is that they multiplied six times in the past 15 years.

It took the National Government 160 years—from 1789 to 1948—to raise its civilian expenditures to $7 billion, but only another 15 years—to the fiscal year 1963—to lift them from $7 billion to $43 billion. The foundations for this expansion, particularly at the national level, were laid during the administration of Franklin Delano Roosevelt. But the spectacular growth itself is a phenomenon of the postwar period.

The budgets of all governments now equal about 38 percent of the national income, and public expenditures for domestic purposes are growing at twice the rate of our economy. If defense outlays also climb fast, government may, within a few years, expand to 40 percent or even 45 percent of the national income. If defense requirements climb more slowly or decline, the spokesmen for civilian activities of government are certain to rush in to "fill the gap." In either case government will become more dominant in our national life.

Of course, governmental expansion is not a force of nature that man is unable to control. But let us face it, the trend of the potswar period reflects the relative political strength of the opposing forces that favor or fight big government. Has there been a change in the balance of power toward the latter group? If not, what reason do we have to believe that the forces which succeeded in drastically expanding government in the past 15 years will command less strength in the years ahead?

We are all too familiar with the claims that public services—in education, welfare, natural resources, urban development and hundreds of other functions—are being starved, that appropriations are miserly ("pennywise and pound-foolish") and that "we have to make a breakthrough to a radically higher and broader conception of what is needed and of what can be done" (Walter Lippmann).

Just because education, social welfare or development of our natural resources are desirable does not mean, as Father Masse seems to suggest, that Government operations in those areas ought to be enlarged. It is becoming increasingly apparent that governmental growth restricts private and voluntary action. Several well-informed observers have lately come to feel and express a keen anxiety over proposed National Government ventures in the school field which would tend to restrict freedom of choice in education and work to the detriment of private institutions and their students.

Present plans for enlarging public-welfare programs pose a threat to the continued existence of private programs of assistance, as Msgr. Raymond J. Gallagher testified on behalf of the National Catholic Charities before a congressional committee in February 1962. America (March 3) editorially asked whether the conflict between public and private welfare agencies will lead "through sheer financial inequality, to the disappearance of voluntary efforts in this field," and proposed that "Congress should take a careful look at any proposed reform of expansion of public-welfare programs."

The natural safeguards against the influx of funds into private ventures that fail to yield a sufficient return are nonexistent in the public domain. When the results of a governmental program fall short of expectations, its failure is advanced as proof that the funds were inadequate and that they should promptly be doubled or tripled. Many such examples could be cited—schools being not the least. It may be well to consider what effect the steady governmental expansion in many fields has had on individual initiative, voluntary action and liberty itself.

The strengthening of personal liberty was the concern of Leo XIII's encyclical "Libertas praestantissimum," which preceded "Rerum novarum." That the size of government and the extent of liberty are inversely related has long been known. Thomas Jefferson concluded that "the natural progress of things is for liberty to yield and for government to gain ground"; and Woodrow Wilson warned that "liberty has never come from the government. * * * The history of liberty is the history of limitations of governmental powers, not the increase of it."

As Governor of Illinois, Adlai Stevenson wrote (Look, June 3, 1952):

"We can only keep Washington within reasonable limits and prevent it from becoming the Leviathan we fear by paddling vigorously against the stream whenever and wherever we can. If we don't we shall cast ourselves in the role of Dr. Frankenstein and eventually end in his same unhappy predicament."

Similar thoughts may have crossed the mind of a young Massachusetts Congressman, John F. Kennedy, who wrote (Boston Post, Apr. 23, 1950):

"The scarlet threat running through the thoughts and actions of people all over the world is the delegation of great problems to the all-absorbing Leviathan—the state. Every time that we try to lift a problem to the government, to the same extent we are sacrificing the liberties of the people."

The references to Leviathan are more than casual figures of speech. There is a spiritual kinship between Hobbes' "Leviathan" and Galbraith's "Affluent Society." Somewhere along the line, as Leviathan keeps growing, he conflicts with the moral law. Heinrich A. Rommen stated in "The State in Catholic Thought" (B. Herder Book Co., 1945, p.352):

"In social and economic relations it is a general principle that quantity may change the quality and nature of the social body. Social legislative intervention may likewise, as soon as it reaches a certain quantity, change the quality and nature of the state. The social-welfare state, as opposed to the watchman state, may by exaggeration grow to be a paternal, care-for-all state which, because of its spreading administrative bureaucracy, turns into totalitarianism.

Government expansion curtails personal freedom by claiming an ever-increasing share of the individual's earnings, and diminishes personal responsibility by offering to relieve man of duties toward himself, his family, his community, and of the consequences of his infractions.

It may have been such considerations and cognizance of our current drift toward all-encompassing government that caused the American bishops to devote their annual statement in 1960 to the "Need for Personal Responsibility." It may be well to recall their warning:

"Although personal responsibility and initiative have been our national characteristics, explaining in large measure our country's progress in human welfare, yet pressures are growing for a constantly greater reliance on the collectivity rather than on the individual. An inordinate demand for benefits, most easily secured by the pressures of organization, has led an ever-growing number of our people to relinquish their rights and to abdicate their responsibilities. This concession creates a widening spiral of increasing demands and pressures with a further infringement on personal freedom and responsibility. The result is the condition noted by our Holy Father: 'Modern man sees that the sphere in which he can think for himself, act on his own initiative, exercise his responsibilities, and affirm and enrich his personality is in many cases restricted to an excessive degree' (Letter of July 12, 1960, to the Semaine Sociale in Grenoble). Intensive socialization can achieve mass benefits, but man and morality can be seriously hurt in the process."

In conclusion: the present extent of governmental activity in the United States may well be held to be reconcilable with the moral order. But do the political forces at work and the apparent trends give us reason to be complacent about the future? Does it not behoove us to view our sprawling government with concern rather than with satisfaction?

NOMINATION OF STEPHEN J. ROTH TO BE A JUDGE OF THE U.S. DISTRICT COURT, EASTERN DISTRICT OF MICHIGAN

Mr. HART. Mr. President, the action of the Committee on the Judiciary in recommending unanimously that the Senate advise and consent to the nomination of Stephen J. Roth to the District Court for the Eastern District of Michigan, speaks eloquently the record and qualities of the nominee. I am proud as a lawyer and happy as a friend to be permitted to make this motion that the Senate advise and consent.

It seems to me particularly significant that this action should be taken on the first day of May, the day designated as Law Day by proclamation of the President of the United States, John F. Kennedy. On this May Day leaders in the countries under Communist rule parade their might and weapons; we in this country emphasize our devotion to liberty and the conviction that ideas are the ultimate in power. Law Day underscores the fundamental attributes of this free society and country—a society and country that makes the individual the central point in the measures of values. Ours is a nation and society which believes that freedom and liberty are good. This means that each individual should have the maximum opportunity to select his own purposes in life and to choose the means of accomplishing them. The core of liberty is self-determination; freedom and liberty mean more than just absence of external restraint. They include power to act toward chosen goals.

Stephen J. Roth is a dramatic example of the strength of a free society; of the opportunities this free country provides a man or woman to grow and to contribute. He was born in Hungary and was naturalized a citizen of the United States in 1933 at the age of 25. A successful lawyer in private practice, he was elected to the office of attorney general in Michigan in 1949. Since 1952 he has served as circuit judge of the county of Genessee. As a judge in this court of general jurisdiction he has demonstrated qualities which brought the committee of the Federal judiciary of the American Bar Association to report to the Judiciary Committee that Stephen J. Roth is well qualified to be U.S. district judge. The Senate Judiciary Committee was advised by Ronald M. Ryan, president of the State bar of Michigan, that the board of commissioners of the State bar is "pleased to recommend the appointment of Stephen J. Roth—highly respected by not only the bar in his own county but by the legal profession in general throughout the State."

As one who has known Stephen Roth for a good many years, as a lawyer and as a friend, I am proud and happy that this opportunity is given me to urge the Senate to advise and consent to his nomination.

LAW DAY, U.S.A.

Mr. LONG of Missouri. Mr. President, the observance of Law Day, U.S.A. throughout the Nation on May 1, 1962, should be participated in not only by lawyers but by all citizens as well. It is set aside as a day dedicated to thought about the blessings of liberty under law which we in this Nation enjoy as contrasted to the conditions that exist in Communist nations where individual liberties are superceded by the all powerful Communist Party and the personalities who control it.

Lawyers throughout the Nation started Law Day, however, and lawyers compose the mainstay of the observances that are held each year on May 1 to emphasize respect for the law and an appreciation of its benefits.

Here on Capitol Hill we have an association of lawyers of which I am proud to be a member—the Capitol Hill section of the Federal Bar Association. A founding member of this section, who is now Assistant Secretary of the Interior, returned to Capitol Hill last December and addressed the section. He is the Honorable John A. Carver, formerly administrative assistant to the junior Senator from Idaho. The theme of his address was a differentiation between the lawyer in Government and the Government lawyer, pointing out that a true lawyer, in keeping with the traditions and dignity of the profession can be of great benefit to his Government and to the Nation. I feel that his remarks are appropriate to the theme of Law Day, and I ask unanimous consent to have the text of his remarks printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY ASSISTANT SECRETARY OF THE INTERIOR JOHN A. CARVER, JR., BEFORE THE CAPITOL HILL SECTION OF THE FEDERAL BAR ASSOCIATION, WASHINGTON, D.C., DECEMBER 15, 1961

President John Grosvenor, Vice Chairman (and Congressman) DICK LANKFORD, friends and fellow members of the Capitol Hill section, I'm pleased to be back with the Capitol Hill section of the Federal Bar Association. I acknowledge the honor of lifetime membership tracing back to our organization days. Your chairman, Jim Palmer, has been gracious and generous in his introduction. This organization owes a great deal to him; I was here when he succeeded after long and devoted effort in getting this section autonomously chartered. His services as national president of the Federal Bar Association, as all of you know, built it strong and sound, and charted its course to the great achievement of recent years.

The other evening one of my old colleagues who remains an administrative assistant was ticking off the 1961 casualties of Senate types. Irv Hoff is gone; Frank McCulloch and John Horne, Mike Manatos and Eva Adams are gone. As an afterthought he included me in his list, then, wistfully, "I'm the last of the great AA's."

When I was one of you, I enjoyed being identified as a lawyer on the Hill. I thought (and still think) it was fine to keep the professional spirit alive by belonging and participating—talking shop, if you will, about those parts of our work which did involve our legal skills, and reminiscing about our earlier professional experiences.

There has been a change. I told an audience of foresters a couple of weeks ago that "in the Interior Department (as in some other departments) the real battle is between the lawyers and the administrators. I try to avoid being identified as a lawyer."

My new attitude about association with my "coprofessionals" (a term I've borrowed from some Unitarian friends of mine, who, I've noticed, always call each other coreligionists), brings me to a consideration of the subject of "Lawyers in Government."

This is not to be confused with government lawyers. The Government has need of the professional skills of a great many lawyers, who serve their client, the U.S. Government, pretty much as a lawyer would serve his client General Motors, or John Doe. I'm referring to the large number of lawyers who have a connection individually with the political or policy implications of government, whether Federal, State, or local.

I'm a lawyer in government, and so is the Attorney General and the Solicitor or General Counsel of most of the departments. Government lawyers can be lawyers in government—the distinction I'm trying to make is not related to job or title.

All of the members of the Capitol Hill section of the Federal Bar Association are lawyers in government. The great attraction of work on the Hill, whether for a Member or a committee, is that the work here, whatever it may be, takes you to the very vitals of a free government—the functioning of the legislative branch.

This kind of attraction is irresistible to lawyers. Look at the dominance of our numbers among the Congressmen and Senators and in the staffs of members and committees alike.

Let's consider some of the differences between government lawyers and lawyers in government as seen from the vantage point, if that's what it is, of an Assistant Secretary of the Interior in the field of public land management. The Federal Government's vast holdings of land and minerals are managed by the Interior Department and used by the public (oil and other mineral leases, grazing permits, timber sales, etc.), under a variety of complex statutes and administrative regulations.

This requires the services of an array of government lawyers, in the drafting of the regulations, leases, contracts, etc., and in the handling of the adjudicative and appellate burden.

Friction between lawyers and administrators is inevitable; and a lawyer on the administrative end of things has a chemical affinity to this kind of friction. He generates his share of it.

A lawyer in government sometimes finds himself trying to be a government lawyer—trying to second-guess his professional legal advisers. This won't work in government, any more than it will work in a corporation which happens to have a lawyer or two on its board or in its management staff.

But there is a tendency in government, as there is in business, for the government lawyer to seek to arrogate himself by virtue of his professional status alone, into the manager's chair. Granted the top legal staff member wears two hats—Attorney General Kennedy is the chief Government lawyer, and a ranking lawyer in government. But apart from this, the administrator occasionally suspects that the legal opinion he gets is written with a policy bias not his own.

This is dangerous, because the author of the opinion may bear no responsibility for the results which flow from it.

Policy apart, let's talk of expertise. Consider the clash of a Government lawyer with a country lawyer in government on a nuance of the regulations under the Mineral Leasing Act. The Government lawyer who has lived in the bowels of the act and its regulations for 25 years is understandably disdainful of criticism of his handiwork by a country lawyer recently come to Government.

But is it possible that the country lawyer in Government may have a point—is it possible that stare decisis, which has come to its ultimate glory not in the common law courts, but in the opinions and decisions of departments and agencies, might not be the touchstone in every situation.

Pope John XXII canonized Thomas Aquinas on the ground that his decisions were miracles. Government lawyers who haven't even been near Georgetown, much less Notre Dame, seem to feel themselves at least the spiritual legatees of St. Thomas. A later Pope said that on the wings of St. Thomas' genius, human reason has reached the most sublime height it can probably ever attain. I'm sure that the papal staff men weren't familiar with the challenge to this statement implicit in some of the Federal Government's legal opinions and decisions.

A country lawyer is accustomed to make judgments on the worth of the opinions of his professional colleagues on some better standard than hierarchical status. When a lawyer in government finds that an informal legal opinion he likes is later reversed in the reviewing process to one he doesn't like, he's likely to be exasperated. Are GS–15's automatically better lawyers than GS–14's?

The Capitol Hill section members of the Federal Bar Association don't usually examine contracts for legal sufficiency, or represent the Government at some level of administrative or court proceedings. But they find common professional ground on a much higher level. They are lawyers in government.

When I was practicing, I derived satisfaction in my bar association activities in the field of education—for lawyers, for law students, and generally. I've had occasion to tell lawyers and law students, and faculty members of my State's university, that I thought that lawyers were losing the right to call themselves members of a learned profession—educated men first and foremost.

I've graded bar examination papers which reflected failure of education at the secondary school level.

Now it may be that the public suffers no great or lasting harm when uneducated men practice in the civil courts. I think, however, that most law schools realize that they are educating as much for government as for the law's traditional role. And government, as well as law, is an honorable goal for law graduates.

In a new book by Marshall Dimock of New York University, entitled "The New American Political Economy," the following definition of what the author calls the public person appears:

"The ideal individual combines the cutting edge of his own trained intellect with the wisdom of past experience. He sees what society needs and how to progress toward higher levels, but he knows that in seeking change we must safeguard tested values. The ideal individual is sufficiently hardheaded to choose measures that will work, but he seeks constantly for solutions that promote human well-being and happiness. He knows how to get things done, which is sometimes considered the hallmark of the conservative, and at the same time he has the high aspirations and ethical standards that are associated with the liberal pattern. He believes in universal principles and has an incisive and catholic capacity to probe and to make connections in his thinking. He understands the theory of opposing forces and the need for balance, for specialization combined with integration. He recognizes the role of challenge and response in the various stages of institutional growth. He knows that these key ideas exist everywhere in the social sciences and the humanities, and especially in philosophy."

Although I doubt that Mr. Dimock would agree, I think that good law schools, particularly those which require a first-class education as a prerequisite to admission, come closer to producing the requisite number of public persons to meet our Nation's needs than any other kind of specialized education.

I have tried through the medium of recounting a few of my own experiences to differentiate between government lawyers and lawyers in government. I have brought to my discussion today a bias in favor of lawyers in government without meaning in any way to deprecate the high calling of government lawyers. I have said that it is inappropriate for lawyers in government to try to second guess the government lawyers, and I have said that it is equally inappropriate for government lawyers to step into the administrator's role. Each is mightily tempted. Each must resist the temptation.

But more important than the friction which attends the relationship, in my view, is the final thought I have tried to develop that lawyers can take pride in their training and professional qualifications when they serve the government, even though they may not be practicing law for the government.

I have a fascination with the business of government in these challenging times. No calling can be higher than the calling of government service. No business is bigger; no enterprise more demanding of our best. I think, again in the words of Marshall Dimock, that we have tended too often to "turn out men and women who are superficial manipulators instead of stewards, narrow instead of cultivated, segmented between knowledge on the one side and values and character on the other."

All of you in the Capitol Hill section of the FBA and many of your alumni downtown are lawyers in government. It is a high calling and worthy of our continued association.

LOCAL INDUSTRY AND THE COMMON MARKET

Mr. MURPHY. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "Local Industry and the Common Market" which was in the April 25 issue of Foster's Daily Democrat, of Dover, N.H.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LOCAL INDUSTRY AND THE COMMON MARKET

Generally the American public is supporting the idea that the affiliation of the United States with the so-called Common Market of Western Europe would be good for the overall economy of this Nation. Even those areas and those industries that are likely to be adversely affected by such a policy, back the principle, although with considerable trepidation.

Such an industry is the manufacture of shoes, and such an area is our own small corner of southeastern New Hampshire and southwestern Maine. In this immediate section there are close to a score of concerns in the shoe and allied lines, employing several thousands of workers. Shoe factories, tanneries, etc., constitute what may be our largest industry; at least it is second only to the electronics field. If the United States should finally join the Common Market Strafford County stands to suffer a serious economic blow.

At a hearing before the House Ways and Means Committee on April 5 a spokesman for the National Shoe Manufacturers Association and the New England Shoe and Leather Association, stated that his groups recognized the need for a program of full employment and trade expansion. However, he expressed serious concern as to the shoe manufacturing business being able to survive as a healthy industry under the proposed legislation unless there are improved safeguards for such business which face increasingly severe competition from imports.

American shoe manufacturing involves approximately 850 companies with 1,300 factories located in 263 congressional districts in 38 States. These plants are located primarily in communities of less than 25,000 population and provide essential and broad employment in many distressed labor areas. The industry is the major support to the economic life of hundreds of towns. With its suppliers, etc., the shoe industry employs between 350,000 and 400,000, affecting the welfare of nearly 1½ million Americans.

The industry spokesman explained that imports of leather footwear, if continued at the current tariff rates, would by 1965 amount to 76.6 million pairs, 11.7 percent of estimated domestic production; this would cost over 30,000 jobs. These figures, the industry added, could expand by 50 percent to 100 percent under H.R. 9900 with its reduced tariff authorization. He asserted that this rapid increase was, "simply a case of lower priced labor in foreign countries competing against higher priced labor in America." Nor, according to the witness, will the displacement result from lack of modernization in this industry which is already technologically far advanced. The shoe industry, he stated, is characterized by an especially high labor content in the production of its commodity.

The industry recommended, in part, that Congress enact a procedure for orderly marketing arrangements, preserve and strengthen the escape clause and peril point provisions.

The spokesman concluded:

"Finally, the American shoe industry goes on record as being in step with a recognition of the need for trade expansion—to help our own country and, doing so, to help the economy of friendly nations. We ask of Congress this consideration—a fair chance to survive as an industry in competition with countries having wage levels far below ours."

While this is an altruistic attitude, it does presage difficult times ahead for an industry that means so much to our Strafford County well-being. It is unfortunate that the results of our joining the Common Market will mean prosperity for some industries and sections, while seriously hurting other lines of business and other areas. It would be better relished if the gains and losses could be more evenly spread over the American economy.

Are we, here in Strafford County, ready to make the sacrifice that the proposal entails?

NEW HAMPSHIRE POLITICS

Mr. MURPHY. Mr. President, I ask unanimous consent to have printed in the RECORD the attached article taken from this week's issue of Time magazine.

This article concerns a distinguished New Hampshire citizen and an outstanding American. Gov. Wesley Powell is well known to many of you.

Governor Powell is chairman of the U.S. Governors Conference, president of the Council of State Governments, chairman of the New England Governors Conference, as well as two-term Governor of the State of New Hampshire. Governor Powell is a dynamic speaker, a dedicated public servant and a man of the people.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POLITICS—THE BRASS RING

"Why not shoot for the brass ring?" asked New Hampshire's Republican Gov. Samuel Wesley Powell Jr. "Why not go for the presidency?"

So last week mused Wes Powell, 46, even as he recuperated in White Sulphur Springs, W. Va., from a mild heart attack suffered in March. The scoffers could scoff and the skeptics could skept, but Powell was in dead earnest about grabbing for the brass ring in 1964. He had already laid out a set of plans, based mainly on his record as a riproaring stump speaker, a perpetual-motion campaigner—and a fellow who has never seemed to know when he was whipped.

BRICK BY BRICK

Powell, along with most others, figures that he is a cinch for reelection next November to a third gubernatorial term. But his figuring goes far beyond that. He plans to start barnstorming nationally in 1963, then to enter New Hampshire's presidential primary, the first of the year, in March of 1964. He will gleefully invite other Republican national aspirants to contest him in that primary. And, as it happens, Powell can only be bad news for New York's Governor Nelson Rockefeller, who has a devoted Dartmouth College following and would love to get his own 1964 campaign off to a rousing start with a New Hampshire primary win. After that, Powell says he will enter the important Wisconsin primary—"I think a man with my background will appeal out there"—and then sweep on to the G.O.P. nomination.

That would leave only Jack Kennedy between Powell and the White House—and Powell says he has already figured out how to handle Kennedy. Beginning next January, Powell plans to take "a potshot a week" at the President. And if he wins the Republican nomination, Powell will really set out after Kennedy: "I'll just build up every brick, brick by brick, in that wall around Berlin. I'll ask every day, 'Why didn't you put those planes over the Bay of Pigs?'"

"BY GOD"

To Powell, the prospect is so real that he jokes with friends about becoming "the last President the country ever had who studied by lamplight." Powell has, in fact, climbed a long way. His father was a day laborer in Portsmouth, N.H.; his mother worked as a maid in the mansion of ex-Governor Ichabod Goodwin. Both of his parents were members of the Salvation Army, and young Wes tooted the cornet while his father pounded the big bass drum.

Powell worked his way through 2 years at the University of New Hampshire, then set out for the West to earn enough money to finish his education. He rode circuit in Wyoming as a lay Congregational minister, got his law degree at Southern Methodist, and ended up in 1940 working for a young New Hampshire Senator named Styles Bridges. When Powell arrived at 8:14 a.m. on his first workday, Bridges exclaimed: "By God, you and I are going to get along all right."

They did, indeed. As Bridges' political protege, Powell managed the office of the man who managed New Hampshire. After combat duty in World War II (he was severely wounded in the left arm as a B–24 gunner), Powell returned to Bridges' office. But in 1949 he quit to pursue his own political career and promptly ran into trouble. In 1950 and 1954, Powell was beaten in senatorial primaries; in 1956, he was defeated in the gubernatorial primary. Then, in 1959, he began his current regime as Governor. Last year, when Styles Bridges died, Powell completed his declaration of political independence by refusing to appoint the Senator's widow to his seat.

"YES, MA'AM"

A man who calls himself a "pragmatic" Republican, Powell's greatest political asset is his determination. In 1958, after years of defeat, he had just filed his papers for Governor when a woman approached him in the general store of his hometown, Hampton Falls. "You running again?" she sneered.

"Yes, ma'am," replied Powell. "The way I figure it, I've got a few times to go to catch up with Abe Lincoln. As I remember, he ran eight or nine times and was defeated.[1] Then they elected him President, and then they shot him. It's a hell of a future to look forward to." Come what may, Powell can hardly wait.

THOMAS JEFFERSON: GIANT IN THE EARTH

Mr. MUNDT. Mr. President, at a recent meeting sponsored by the Sons of the American Revolution, a distinguished former Governor of South Dakota, Sigurd Anderson, now serving as a member of the Federal Trade Commission, delivered a memorable address on the philosophy and achievements of Thomas Jefferson. I ask that Governor Anderson's address be printed in the RECORD.

I especially hope that present-day Democrats in and out of Congress will carefully read and thoughtfully ponder the sentiments of Thomas Jefferson whose contributions to our Nation will endure longer if they are followed faithfully in these uncertain times, both by members of his own party and by all

[1] In point of fact, Lincoln lost three elections for public office: one for the Illinois House of Representatives (1832) and two for the U.S. Senate (1855, 1858).

other citizens concerned about our freedoms and our solvency.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THOMAS JEFFERSON: GIANT IN THE EARTH

The fourth verse of the sixth chapter of Genesis of the Holy Writ reads in part, as follows: "There were giants in the earth in those days."

With these words we can well begin this historic day. We are gathered here today to honor the birth of a giant in American and world history. Thomas Jefferson, in company with George Washington, Alexander Hamilton, Patrick Henry, John Adams, John Quincy Adams, Benjamin Franklin, and others, could well be called the giant in the earth of early American history.

Monuments have been erected in memory of Thomas Jefferson in many parts of the world. We are standing in the shadows of one of those great monuments in our Nation's Capital. In my home State of South Dakota, the face of Thomas Jefferson is carved in the enduring granite of the Black Hills in the famous Rushmore Memorial. The moment that we cross the Mississippi River we come upon another monument to the memory of Thomas Jefferson; namely, the Louisiana Purchase.

The purchase of the Louisiana Territory can well be said to be the greatest real estate transaction in our country's history, because the master stroke of adding Louisiana Territory to the United States doubled its area. When we read and study the Declaration of Independence, we salute another monument to the Sage of Monticello. The enduring words of that tremendous document can in a great part be attributed to the genius of Thomas Jefferson. So the monuments to this man are everywhere and in all forms—in marble, in physical area, in great documents, and in beautiful thoughts.

Thomas Jefferson, the subject of our veneration this day, has been called a son of the American Revolution. Rather we should look upon him not as such but as one of the fathers of the American Revolution, as well as one of the great architects of the United States of America.

Thomas Jefferson was born and reared and died in Albemarle County of Virginia. This does not mean he never left home, because Jefferson was in every sense of the word a citizen of the world. This giant was well educated, in both the arts and in the law. He was educated for leadership and did not disappoint his teachers.

He wasted no time in assuming his responsibilities of citizenship. The evidences of leadership came early in his life and continued until its very end. As a boy he chose this motto for his life: "Resistance to tyrants is obedience to God." Only a person of unusual proportions could in his younger years assume an attitude like that, an attitude which, by the way, he maintained to the end of his days.

On this, the 219th anniversary of the birth of the 3d President of the United States, we are tempted to enumerate the greatness of his life, the multitude of acts that we call his accomplishments, but the mere mechanical enumeration of his accomplishments would consume all the time that has been allotted to this portion of the program. We can go to reference works for that. But just in brief, think of his versatility. He compiled an Indian dictionary, he built a prize-winning plow, he devised the decimal system used in our monetary system, he planned the University of Virginia, he hired the teachers and selected the books for its library, and he invented a clock that told the time of day and the day of the week. This busy man served as President of the United States for two terms, at a time when it was not easy to be President; he served two terms as Governor of Virginia; he was Minister to France; he was Secretary of State; he was Vice President of the United States; he was a member of the House of Burgesses; he was a member of the Virginia Conventions; he was a member of the Continental Congress; he was a Member of the Congress; and he was the author of the Declaration of Independence. Is it possible that one man could do so much? Only a genius could do that, but the man that we honor today was a genius. It has been said that Thomas Jefferson gave more broad principles of government to the world than any other person who has ever lived, and so indeed he did. Let us consider these: Freedom of thought and speech; universal education; local self-government; economy in government and small public debt; political equality and universal suffrage; opposition to boundaries and monopolies; separation of church and state; sovereignty of the people, and a host of others.

But this man, possessed of these great powers, was also a man of humility. On the day of his inauguration as President of the United States, he walked from his rooming house to the place where he was sworn in as President. He met diplomats from foreign countries and he met them in his carpet slippers because he said he had room to wiggle his toes so he could think. He had great feelings and consideration for the people who had not freedom.

We hear much of codes of conduct and codes of ethics these days. On the buildings of Government that surround us everywhere in this city could well be Thomas Jefferson's statement as to his concept of the code of ethics. His statement in this respect was: "The whole art of government consists in the art of being honest."

This could be the code of ethics for this age and any other.

We are gathered today in the memory of this great American, not to mechanically place wreaths at his feet or to make utterances in his praise. Every citizen of this country, throughout this land, could today well consider the life of Thomas Jefferson as an inspiration not only for plain living but as an inspiration for active citizenship of this great country that has given so much to us and to which so many of us have given so little. The records and achievements of great men of history serve to either inspire those who follow or to act as curbs for meaner and baser passions. This, my fellow Americans, is a day of dedication and not a day of vain praise. From the life of Thomas Jefferson we can take a pattern. If the United States of America fails it will not be from the lack of example.

Well can we think upon the words of Genesis of the Holy Writ: that in those days there were giants in the earths—and one of them was Thomas Jefferson, the man who I believe, in the words of an American author, was a person possessed of an aristocracy of the mind and a democracy of the heart.

ALL AMERICA WANTS TO KNOW

Mr. SCOTT. Mr. President, last month I had the pleasure of viewing our esteemed friend and distinguished colleague, Senator KENNETH B. KEATING, appear as guest on "All America Wants To Know," a television and radio series produced by Theodore Granik for the Reader's Digest, in cooperation with Freedoms Foundation. Senator Keating met with a notable panel consisting of Senator John Carroll, of Colorado; Lawrence Speiser, Washington director of the American Civil Liberties Union; Virgil W. Peterson, operating director of the Chicago Crime Commission; and Frank D. O'Connor, district attorney, Queens County, N.Y., to discuss the subject "Are Wire Tapping Laws Helping Criminals?" based on his article "Change the Law That Fosters Crime" in the March issue of the Reader's Digest.

In an attempt to get before the American public, in the widest fashion possible, an understanding of the issues affecting all of us, the Reader's Digest and Theodore Granik have pioneered a new concept in public-service programing. "All America Wants To Know" is made available at no cost to interested television-radio stations throughout the country by the Reader's Digest and Theodore Granik. This has resulted in these informative discussions of leading issues being seen and heard over more than 1,100 radio and television stations. I understand there are stations included in every State of our great country. Great tribute should be paid to DeWitt Wallace and Albert Cole of the Reader's Digest, and to Theodore Granik, for the concept they have pioneered to help provide for a better informed America by dramatic penetrating discussions on subjects of national concern.

Senator KEATING has told me of the overwhelming response he has received concerning the wiretapping program. If this is any indication, the Reader's Digest, Freedoms Foundation, and Theodore Granik may be assured that their efforts are neither in vain nor unnoted by an appreciative American public.

I ask unanimous consent that following my remarks a copy of the article and the transcript of the program be printed in the RECORD.

There being no objection, the article and transcript were ordered to be printed in the RECORD, as follows:

ALL AMERICA WANTS TO KNOW

ANNOUNCER. Wiretapping and electronic recording devices have become an essential part of efficient law enforcement agencies. Most of the evidence gathered in this way cannot be used by our courts to convict and punish criminals. Despite this, wiretapping equipment and other recording services are being used throughout the Nation, without supervision and control, to monitor conversations and obtain confidential information through illegal means. Do we need to regulate and legalize wiretapping?

"All America Wants To Know," a monthly discussion of the questions facing our country, presented in the public interest by America's favorite magazine, the Reader's Digest, in association with Freedoms Foundation at Valley Forge and produced by Theodore Granik. This month's subject, "Are Wiretapping Laws Helping Criminals?" based on an article by Senator KENNETH KEATING, "Change the Law That Fosters Crime," appearing in the March Reader's Digest.

To discuss this issue we are pleased to have as our guests Senator Kenneth Keating, Republican, of New York, and member of the Senate Judiciary Committee, Senator John A. Carroll, Democrat, of Colorado, and member of the Senate Judiciary Committee, Lawrence Speiser, Washington director of the American Civil Liberties Union; Virgil W. Peterson, operating director of the Chicago Crime Commission, and Frank D. O'Connor, district attorney, Queens County, N.Y. We will join our group in just a moment.

[Announcement.]

Now here is your moderator, Mr. Granik.

Mr. GRANIK. Senator KEATING, why the need for wiretapping legislation?

Senator KEATING. Well, Mr. Granik, there have been hundreds of prosecutions in New York State and the other four States that allow court wiretapping, Nevada, Massachusetts, Maryland, and Oregon, which have been stymied even though the State law was completely complied with because of Federal decisions saying that the use of wiretap evidence properly done under State law was still a violation of Federal law and couldn't be used.

The district attorney of New York County recently had to dismiss indictments against a big narcotics ring involving sales of heroin of a half a million dollars. In upstate New York, there was a gambling syndicate that was caught redhanded and then had to be let go because some of the evidence had been obtained by wiretapping.

It has handcuffed the law enforcement officials of the States which duly authorized wiretapping under court orders and it is a menace to law enforcement in this country to get at the organized mobs.

Mr. SPEISER. Four State attorneys general testified that they did not want wiretap legislation and they thought it would be highly injurious to the rights of privacy of the citizen. You can't keep wiretapping limited and the price that you pay in order to get criminals isn't worth the price that a loss of privacy would involve in this.

Mr. GRANIK. Mr. Peterson.

Mr. PETERSON. Well, I certainly think that the law enforcement agencies of this country, the prosecutors, need tools in order to cope with an ever growing crime problem. And I certainly think that when States have through constitutional means and through legislation enacted laws in their own States approving this sort of thing, that then that should be legal insofar as the Federal Government is concerned.

Mr. GRANIK. Senator KEATING, you referred to your bill as a crime-tapping bill. Do you want to comment on that?

Senator KEATING. Well, I like that word better than wiretapping. The purpose of the bill is to assist the law enforcement officials in getting at the lawbreakers and the subversives in this country.

Now one point that I want to deal with that Mr. Speiser brought up; the particular legislation before us would in no way affect any State which barred wiretapping. If a particular State does not want to have prosecutions based in any degree on wiretapping, that's their business. The bill which is along the legislative path in the Congress is one which will say to a State, you have a State law which permits you to intercept communications and you comply with the provisions of a court order and you require the telephone be identified and the persons whose phone is to be tapped to be identified and to go to a court and show this probable cause that a crime has been or will be committed and you only have it on for 60 days and you can only extend it 30 days and you make reports to the Department of Justice, periodically, on what you are doing and all of those safeguards; if a State then wants to do it, then certainly I don't think that their prosecuting attorneys ought to be sent to jail, as has been suggested by one of the Federal judges, because he is complying with the State law.

Senator CARROLL. May I say that I am also a member of the Constitutional Rights Committee, the Senate Judiciary Committee and I think Senator KEATING's bill, if I remember it, does do what it says. It gives those States a right to intercept by wiretapping and those that don't want it do not have to do it, but we are not confronted with that alone. And this is the point I want to raise this evening.

We now have bills, a bill involving Federal legislation which gives the Federal Government the right now to intercept messages, wire messages. It also does this: It gives every State the right to do so, whether they have passed State legislation or not. And they have legalized this I think, in my opinion, I haven't reached the final judgment on it. I think this is a most serious situation.

Now I've asked a little while ago, Mr. O'Connor, I don't think it was on this program. It's true that 20 years New Yorkers had this experience, it's my understanding, with wiretap legislation. That is, it's been legal in the State of New York. This has been knocked out by the Federal courts. Am I not right in that?

District Attorney O'CONNOR. Yes; you are entirely right Senator, it has been knocked out, but the point that I'd like to bring out at this time and I think it's terribly important that in the 20 years that we have been using wiretaps according to the constitutional laws of our State, there has never been a single complaint by anyone of any abuse of the privilege by any district attorney, which I think is a tremendous thing.

Mr. SPEISER. But there may not have been any complaints about abuses by district attorneys but there have been complaints about abuses by policemen and other individuals. By private individuals.

Senator KEATING. Ah, and I think you should tighten up on that part of it just as much as possible. Legal wiretapping has been prosecuted in New York State, there have been actual convictions and it's a criminal offense to engage in illegal wiretapping. A felony. In most States that's true and I would entirely agree with you that as to illegal wiretapping, you should crack down on them just as hard as you can.

Mr. SPEISER. But under the present Federal law where it is a crime to intercept and divulge which is the reason for knocking out the New York constitutional provision. In effect, anyone who has tapped has violated a Federal law. There has never been a single prosecution of a law enforcement officer who has tapped without a court order for example in New York or in States where they don't provide for court orders. They have prosecuted where there have been attempts at extortion, where there's been blackmail, where there's been misuse, but for officers in line of their attempt to obtain evidence for prosecution purposes, there has never been a single prosecution of a law enforcement officer. Now if your bill is passed, what guarantee is there that you are going to prosecute people who then tap outside the limits of the law. The practice in the past has not been anything to give indication.

Senator KEATING. The State laws provide for prosecution and there were, in Brooklyn, two police officers——

District Attorney O'CONNOR. Let me say this very, very emphatically, that we do not get complaints of illegal wiretapping in New York State against policemen at all. The only times it has occured has been two or three times in the last two or three years and every single one of them have been diligently prosecuted.

Mr. GRANIK. Senator CARROLL.

Senator CARROLL. If I may ask a question? I think I'd like to clarify the issue in my own mind. When we are talking about wiretapping, what are you talking about? We are talking about tapping in on telephone conversations both private and public in the home, public booth, or wherever it is. This is a tapping process. Now the tapping goes on today in the Federal Government. This is the testimony before our committee. The FBI taps in on very important cases, kidnapping, subversion, but the difficulty is they cannot use that testimony in court. Now this raises a very basic issue. In New York they could introduce that in court as a result of a Federal court decision, they may tap in, but they may not use it. They cannot divulge, they cannot reveal and they can't use it as evidence. This is the basic issue. I'm not speaking about New York.

District Attorney O'CONNOR. I understand that Senator.

Senator CARROLL. I come back again to the Federal Government and if I may, pardon me Mr. ——

District Attorney O'CONNOR. What I wanted to say is—now is a good time to put this entire problem under strict supervision. Don't you think it's about time that we did pass a bill similar to Senator KEATING's bill where any Federal officer who violates, who tapped wires in violation of the law would be prosecuted?

Senator CARROLL. But Senator KEATING's bill applies to the States——

Mr. GRANIK. Senator KEATING.

Senator KEATING. There are two problems: One is the very limited bill which I've introduced and Senator CARROLL knows is now pending before the full Committee on the Judiciary. And that just says that in these five States which permit wiretapping by court order, they, if they comply with their State law, plus additional provisions which I have already outlined which are written in for the protection of the citizen, then they may use that evidence in court. Now there is the broader bill which Senator CARROLL has referred to which the Attorney General has now sent up to us which does get into the tapping in both the Federal and the State courts.

Now one difficulty that I see on the one side and this will appeal I think to Mr. Speiser. that the Attorney General's bill is that in certain classes of cases, he would permit wiretapping without any court order in the Federal court simply on the authority of the Attorney General. One man would determine whether tapping could take place. Now the bill is going to meet objection on that side. It meets objection on another side from the fact that when it attempts to deal with the State wiretapping, it does not include the three offenses, liquor, prostitution, and gambling, where all the evidence shows that most of the mob has moved in.

Now Frank O'Connor, former president of the New York State Association of District Attorneys and a distinguished prosecutor can speak with much more authority than I can on this.

Mr. GRANIK. Mr. Speiser.

Mr. SPEISER. In other words, you want to extend that to liquor, gambling, to racketeering; this would be in the State law of New York?

Senator CARROLL. Yes; but this would not be in the Federal——

Senator KEATING. This is the Attorney General's bill; he does not allow it in those areas, if the prosecution is in the Federal court. But in setting up the permission to tap wires in State court, in the States, he does not include those three important offenses where, I'm sure Frank O'Connor would agree, the mob are usually engaged.

Mr. GRANIK. Mr. Speiser, let me just ask one question. In the Digest article Senator KEATING says his bill contains practical safeguards against abuse. Do you think there are?

Mr. SPEISER. No. Let me take on this question on the protection of court orders. A court order has been analogized to a search warrant; you get a warrant and you go to a person's home, you look for particular articles, you go in, you come out, the persons know about it. With a court order in this particular situation, the individual whose phone is being tapped doesn't know about it. They aren't looking for a particular item, they will hear everything that comes over the wire. There have been taps which have been obtained in New York City in which anyone who uses a public telephone has had their conversation heard. It covers conver-

sations between a husband and wife, between attorney and client and a doctor and patient. There is no practical way of limiting your information that you get from a wiretap with a court order. I don't think the analogy is a good one, I don't think it applies.

Mr. GRANIK. Senator KEATING.

Senator KEATING. I think I should let Frank O'Connor say more because he knows this subject very well——

Mr. GRANIK. May we hear from Mr. Peterson from Chicago.

Mr. PETERSON. Well, there is no question but what the organized criminal gangs today are utilizing interstate communications systems tremendously, extensively, in connection with the commission of all kinds of rackets and crimes. Now in many instances it's virtually impossible for duly constituted law enforcement agencies to deal with these problems unless they have some tools with which they can properly deal with them. Now the question is always raised, whenever you try to place in the hands of law enforcement some additional tools with which they can cope with the problem, there's always a red herring brought across the floor that there will be abuses.

District Attorney O'CONNOR. Certainly everybody on this panel and certainly everybody that I know in the law enforcement is agreeably concerned over the protection of individual rights. Where we become completely at divergent views is when we consider whether or not in the protection of individual rights we are doing it at a disporportionate loss to the rights of society——

Senator KEATING. Frank O'Connor and I have been fighters for civil liberties and civil rights for years, but the law-abiding citizens of this country have some rights to be protected from criminals also. And, Mr. Speiser, he referred to searching a man's home. I don't see any difference, you can go to a court and get a court order to search a man's home, you can go and get one to search his pants pocket. Now certainly if you show the same kind of evidence, you ought to be able to go and get an order to intercept his communication over the telephone.

Mr. SPEISER. But he knows you're searching his home, he knows you're searching his pocket, you can go into court and try and squash the evidence that was obtained by this, but when you tap a person's phone or a public telephone, he doesn't know who is listening.

Senator KEATING. If he isn't a criminal and hasn't committed a criminal offense, he doesn't have a thing to worry about——

Mr. SPEISER. You probably say things over your telephone that you would prefer not to have other people know about.

Senator KEATING. I don't expect them to get an order on me——

Mr. SPEISER. But the thing is you may not know when you make a phone call or someone calls you whether there is a tap on that wire. You may not have initiated it, it may not be on your phone, but if you call New York from the District of Columbia, where they have had a court order law in New York, you don't know whether the phone that you made a call to is tapped——

District Attorney O'CONNOR. I will concede in many instances where the wires are tapped, the persons whose wires are tapped may not know it, but look let me say this to you. That any D.A. who has projected the proper image of himself has been alert and conscientious and who cares about civil liberties will very quickly get complaints of all kinds. We get them against cops, we get them against people who are doing wrong things. Over 20 years if there has been illegal wiretapping by law enforcement officials, we would have gotten complaints. We've never gotten them.

Mr. SPEISER. There was the one instance of law enforcement officers who were engaged in wiretapping for private gain. Now you did have prosecution.

District Attorney O'CONNOR. I know, they were diligently prosecuted.

Mr. SPEISER. I know, but because you don't have complaints of law enforcement officers, I'm not talking about D.A.'s, I'm talking about police officials, doesn't mean that it isn't going on.

Senator CARROLL. But we have another basic question here; the right of privacy of individuals which is a basic constitutional question because it involves the liberty, one of the few liberties left to people. And this is why I think the Supreme Court will handle this matter. Senator KEATING knows this, we'll be handling the Kennedy bill, the Bob Kennedy bill and his bill in committee. We'll thrash it out, we'll try to come out with something, some sort of a bill I hope. I think his bill is far less comprehensive than the administration bill because I'm afraid—I repeat this once more and I'm done with it. Once they ask to tap a telephone wire because of certain Federal crimes, the next time, maybe 10 years from now, they'll ask for the electronic device like you had in New York.

Mr. GRANIK. All right, Senator KEATING, what about other recording devices which are used for monitoring conversations, such as briefcases with a hidden microphone in the handle, or a wristwatch recording instrument capable of picking up conversations, or a harmless looking tie clasp, which is also a highly effective recording device? Should we also legalize these devices, Senator KEATING?

Senator KEATING. Well, that, Mr. Granik, gets into an entirely different field from wiretapping. That's what's called eavesdropping, the use of electronic devices. I happen to have a bill, as Frank O'Connor said a few moments ago—we'll be here all night if we get on this subject—I happen to have a bill to tighten up on these devices. No, my answer is "no" to question whether that the same should apply to them as to wiretapping. My bill is very comprehensive on that subject. I think that's got to have a lot of study and I'll say this, any wiretapping legislation is really a stopgap because these devices to which you have referred are being used more and more and I must stress with all the strength I can, this wiretapping legislation has nothing whatever to do with the use of these devices.

Mr. GRANIK. Senator CARROLL.

Senator CARROLL. Mr. Granik, may I say, it may not have now, but it was not so long ago that we had testimony before our committee, think of this, the Government of the United States saying that because a spike was put only halfway into the wall, it was not a trespass and therefore not a violation of the constitutional rights of this individual. How easy it will be to take the next step and this is what I'm concerned with, why I raise basic constitutional questions dealing with the right of privacy which is basic.

Mr. GRANIK. Senator KEATING.

Senator KEATING. Those were court decisions and we can't interfere with them. What I'm saying is that this legislation or any legislation indeed relating to wiretapping, even if it's more comprehensive than the bill I've offered, any of that legislation has nothing whatever to do with the use of other electronic devices.

Senator CARROLL. I'd only say to you that I am sorry that the decision ever came up to interfere with New York. I'd like to see New York run its own show. But when I see the way that this is spreading over the country, I am very apprehensive, although I have not made up my mind finally. I have some strong feelings as Senator KEATING knows on this subject.

Mr. GRANIK. Senator KEATING, in his Digest article, quoted that District Attorney Hogan, your colleague in New York, as stating that wiretapping is the single most valuable weapon in the fight against organized crime. Would you agree with that, Mr. District Attorney.

District Attorney O'CONNOR. Well, I don't think that there is any question about it that the use of wiretapping under court supervision is a very very valuable weapon in the hands of a competent modern district attorney. There is one thing I want to point out and I think it is terribly important because there's a great deal of public concern about the use of wiretapping and there was a book written a few years ago that gave the outlandish, and I say totally outlandish figure between 16,000 and 29,000 wiretaps in New York City alone. Now I just want to put this across very forcefully that our District Attorney's Association in New York made a very careful and accurate and scientific survey of the number of wire taps used in the entire State of New York they do not exceed 500 for the whole total year.

Mr. GRANIK. I think Mr. Speiser wants a word here. Senator KEATING.

Senator KEATING. Could I add a word on what Frank Hogan said in this testimony because I think this. He said, and I quote him, "I do not think our office could have convicted Charles "Lucky" Luciano, Jimmy Hines, Louis "Lepke" Buchalter, Jacob "Gurrah" Shapiro, Joseph "Socks" Lanza, George Scallesi, Frank Erickson, John "Dio" Dioguardia, Frank Carbo." Now if there was ever a who's who of gangsters, it is that crowd. And he says that he never could have convicted them and Frank Hogan, like Frank O'Connor, is a distinguished district attorney, had he not had this weapon in his hands.

Mr. GRANIK. Mr. Speiser wants a word.

Mr. SPEISER. These are an infinitesimal number compared to the total of crimes that are charged.

And secondly, you say that they are used in only major crimes, they are generally used in prostitution, they are used in gambling, they are used in vice crimes of that kind. That is their general basic use——

Mr. PETERSON. The very lifeblood of organized crime is gambling, prostitution and that sort of things but the figures show, according to their experience in New York, that there has been no abuses of it, but let me tell you this, you are talking about an infinitesimal number of cases. The conviction of Jimmy Hines, or Charles "Lucky" Luciano from the standpoint of dealing with the overall crime problem is concerned is far more important than the conviction of a thousand——

Mr. SPEISER. You don't pass laws in order to get a Jimmy Hines, you pass laws in order to handle the situation.

Mr. GRANIK. I'm sorry, our time is up. We'll return after this important announcement.

[Announcement.]

Mr. GRANIK. Thank you very much, Senator KEATING, Republican, of New York, for being our guest on "All America Wants To Know." And thanks to our distinguished panel for a most interesting discussion: Senator John A. Carroll, Democrat, of Colorado; Lawrence Speiser, Washington director of the American Civil Liberties Union; Virgil W. Peterson, operating director of the Chicago Crime Commission, and Frank D. O'Connor, district attorney of Queens County, N.Y.

[March 1962—the Reader's Digest]

CHANGE THE LAW THAT FOSTERS CRIME

(Legal wiretapping, under proper safeguards, is a must if we are to hold our own against the crime empires and spy rings that plague the Nation.)

(By KENNETH B. KEATING, U.S. Senator from New York)

Last November a New York City courtroom was the scene of a shocking drama: a district attorney asked a judge to dismiss without prosecution seven defendants charged with conspiracy to sell narcotics valued at some $500,000. He made this request despite the fact that he had evidence "which could prove the guilt of the defendants beyond all doubt."

The seven men included four big-scale heroin importers who made all the arrangements for smuggling the drug into the United States and masterminded its trafficking in New York. Theirs was a multimillion-dollar annual business whose commodity was slow death. The gang used an intricate system which for months had baffled investigators of the Narcotics Bureau of the New York City police. Then, late in 1959, the investigators discovered that the communications center of the network was the telephone of one of the kingpins.

The Narcotics Bureau promptly obtained a State supreme court order permitting this phone to be tapped. Detectives listened in, and secured information about a forthcoming delivery. As a result, on the night of December 29, 1959, detectives witnessed an entire transaction, including the actual delivery of two packages containing one kilogram (2.2 pounds) of pure heroin—enough to be "cut" into 50,000 to 100,000 "decks" or shots. They arrested one of the gang with the heroin still in his possession.

Indictments by a grand jury followed, then preparation of the case for trial, then the district attorney's recommendation that the seven men be turned loose.

Why should these known criminals go free? Because none of the evidence obtained through wiretapping (or as a result of it) could be used against them, and without this evidence they could not be convicted.

On the same day, in a Brooklyn court, 98 persons indicted in criminal gambling cases, including bookmaking and the numbers racket, were also freed without trial—because there, too, the prosecutor's case was based on wiretap evidence.

In my home city, Rochester, N.Y., 25 cases of organized gambling have also been dismissed for the same reason. In New York, District Attorney Frank Hogan has reported that he has about two dozen cases of labor racketeering, abortion, official corruption and other crimes which he cannot prosecute because they involve the use of wiretap evidence.

This is precisely what I predicted some months ago. In a Senate speech I said there was bound to be "a gigantic legal jailbreak" if Congress did not do something about the wiretap muddle. Many who heard this warning thought I was exaggerating the problem. Unfortunately, my worst fears have now been realized. Scores of underworld characters under indictment have gone scot free. Communist agents pass messages back and forth across our telephone wires. The "call girl" business thrives in many major cities. Criminals have discovered that the ordinary telephone is the safest, most efficient tool of crime and espionage to appear in a century.

The Federal Bureau of Investigation and State and local police know of these messages throbbing across gangland, but their hands are tied by Federal court rulings which make it a crime for any police officer or prosecuting attorney to introduce wiretap evidence. This is an incredible situation.

In the case of the seven narcotics dealers turned loose in New York, every step of the police investigation was authorized by the New York State constitution and code of criminal procedure. But it was all nullified by new interpretations on the part of Federal courts of 31 obscure words in a 20,000-word 1934 statute called the Federal Communications Act. Here they are, in full:

"No person not being authorized by the sender shall intercept any communication and divulge or publish the existence, contents, substance, purport, effect or meaning of such intercepted communication to any person."

In plain language, this means that you can't repeat anything you hear over the phone without the permission of the person who said it. I don't believe this provision was aimed at police officers. If it had been, Congress would logically have prohibited simple "interception" rather than "interception and divulgence." I strongly suspect that the real targets were telephone operators. In the early 1930's, when there was practically no dialing, we couldn't possibly prohibit operators from "intercepting," but we could prevent them from "divulging."

I doubt even more that Congress ever intended to make this ban applicable to State as distinguished from Federal law-enforcement officers. After all, one of the most important powers reserved to the States is their police power. Federal laws seldom nullify State criminal laws. Furthermore, for over 2 decades after these 31 words became law it was held that they did not prevent wiretapping under State laws. Then, beginning in 1957, came a series of rulings from Federal courts, including the Supreme Court, which held that these 31 words override all State laws on the subject: no evidence obtained by wiretapping can be used in any court in the land.

This ban applies not only to wiretapping evidence itself (what's heard over the phone) but to all evidence obtained from "leads" or clues developed as a result of the tapping. The Judith Coplon case revealed the appalling lengths to which this ban extends.

Miss Coplon, a Government employee, was arrested in the company of a Soviet agent with valuable U.S. secrets in her possession. Before she could pass them to the agent, FBI officers seized the incriminating documents. She was convicted but then set free—because the FBI had used wiretaps! No wiretapping evidence was offered by the Government, but the Coplon conviction was reversed because the Government failed to show that none of its other evidence derived from leads developed by the taps.

Under the present law as construed by the courts, the Government might learn through wiretapping that someone was plotting treason; but neither this information nor other clues to which the wiretaps indirectly led could be used in a prosecution.

There are still other absurdities. The Federal law bans wiretapping evidence but does not ban evidence picked up by hidden microphones, radio transmitters, wire recorders and other electronic devices. The ban does not apply to what a police officer might hear by putting his ear against a keyhole, or to data picked up from an adjoining room by putting a detectaphone against the wall.

Some people see no danger to law enforcement in this wiretapping muddle. They portray wiretapping as the lazy policeman's way of solving crimes and insist that crimes could be solved without it if the police would only work harder. These armchair opinions are refuted by men of unquestioned integrity and broad experience in law enforcement. For example, last May District Attorney Hogan told the Senate Subcommittee on Constitutional Rights:

"How valuable in the fight against organized crime is this court-authorized power to intercept telephone conversations? Without it I do not think that our office could have convicted Charles 'Lucky' Luciano, Jimmy Hines, Louis 'Lepke' Buchalter, Jacob 'Gurrah' Shapiro, Joseph 'Socks' Lanza, George Scalise, Frank Erickson, John 'Dio' Dioguardia or Frank Carbo. These men (all of whom were convicted before 1957) would be major figures in anybody's 'Who's Who of Gangsters.'" Hogan concluded that wiretapping "is the single most valuable weapon in the fight against organized crime."

At the same hearings the head of the Criminal Division of the U.S. Department of Justice, Herbert J. Miller, Jr., testified that wiretapping is "indispensable in dealing with major crimes affecting our national security." President Roosevelt authorized wiretapping by the FBI when necessary in security cases. So have Presidents Truman, Eisenhower and Kennedy. On a typical day last spring the FBI reported it was running 85 wiretaps—all in the field of national security, every one specifically authorized in writing by the Attorney General. These wiretaps help the FBI keep enemy agents and their confederates under surveillance. But even in these cases, under the present law, neither the telephone conversations nor data, leads and clues obtained as a result of overhearing them can be used as evidence.

Wiretapping is attacked by a second group of sideline experts. They argue that even if it is essential for solving certain crimes, the danger of abuse outweighs its benefits. I cannot agree. No doubt wiretapping can be abused, but so can many other essential law enforcement techniques: the right of arrest, interrogation, extradition, fingerprinting, cross-examination. But no one has suggested abolishing these procedures. Instead, we try to surround them with safeguards to prevent abuse without forfeiting their essential value to law and order.

To cope with the wiretapping problem, I have sponsored a Senate bill which contains practical safeguards against abuse. It would allow wiretapping only under court supervision, and only when there is reasonable ground to believe that the particular wiretap would produce evidence of a crime. An application to the court for a wiretapping order would have to specify the telephone line to be tapped, describe the person whose conversations were to be intercepted, state the purpose of the interception. The only crimes for which interception is to be allowed would be those in which organized crime is primarily engaged (narcotics, gambling, bootlegging, and prostitution) and those punishable by 5 years or more in jail. Thus, it would be more difficult to secure a wiretapping order than to get a search warrant.

Any evidence obtained by wiretapping other than in the manner prescribed by this law would continue to be inadmissible. Furthermore, anyone who engaged in unauthorized wiretapping would be subject to criminal penalties.

I believe my bill would immediately make this important crime-fighting weapon available to the five States which have carefully drawn State laws on the subject—New York, Massachusetts, Nevada, Maryland, and Oregon. It would clear the way for other States to enact similar laws. But the people of each State would make this decision, and nothing in my bill would compel a State to allow wiretapping if it did not want to.

For many years I have been deeply involved in the struggle to advance civil liberties in America. But too often we overlook the drastic deprivation of liberty and property suffered by the victims of crime, and permit an unbalanced, almost mawkishly sentimental concern for those charged with crime to shape our procedures for securing

justice. The wiretapping restrictions illustrate this trend.

I do not contend that a sensible wiretapping law is all we need to eliminate major crime in this country. What I do contend is that the present wiretapping law adds needlessly to the already difficult problems of law enforcement. So I am urging Congress to act.

You can help. It is essential that Congress be convinced that the public wants something done to close this law-enforcement gap. If you agree with my analysis and remedy, then write to me expressing your support of S. 1086, which I like to refer to as a crime-tapping bill. I will show your letters to my colleagues in Congress to prove to them that the public is aroused. I have no doubt that most Americans want to end the legal jailbreaks and unshackle the police and the FBI.

ADDRESSES BY SENATORS KEATING AND DODD BEFORE AMEN CORNER

Mr. SCOTT. Mr. President, Senator KENNETH B. KEATING and Senator THOMAS J. DODD addressed the distinguished Amen Corner dinner on April 14, 1962, in Pittsburgh. Both men chose to discuss the fundamental issue of our time: the conflict between free and slave societies. While each examined the issue from a different viewpoint, both concluded that freemen must take a more active and more hardheaded attitude about the threat of the international Communist conspiracy.

I ask unanimous consent to insert these addresses in the RECORD.

There being no objection, the addresses were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR KENNETH B. KEATING AT THE AMEN CORNER ANNUAL DINNER, HOTEL PENN-SHERATON, PITTSBURGH, PA., SATURDAY, APRIL 14, 1962

For the past few years the free world has presented the picture of a football team that does not have possession of the ball—a team that's on the defense, that is eagerly studying its opponents deployment—its offensive formation, wondering what the next play will be, hoping to anticipate it, but not too sure—and trying to set up a defensive pattern that will prevent new gains—or at least assure a holding action.

If I use this football analogy, it is because it has been true of this two-power world where the entire globe is the gridiron, and where the tremendous struggle between freedom and communism leaves nobody in the stands. Even the neutrals, who think of themselves as mere spectators, have their fates and futures on the line as well as the players with names and numbers on their backs—and the winning or losing of this game will make the kind of history they'll have to live, as well as the rest of us.

Let's backtrack to when this whole game started—and I think this will give us the frame of perspective that we need in analyzing the statistics of losses and gains.

Communism came onto the world scene as an active political force in 1917. Now, at that time the Russian revolution appeared to be a great liberating force—an opening of tyranny's jail to let the prisoners out. Actually, as history has so clearly proved, the Russian revolution might better be described as the ceremony of the changing of the czars. While I hasten to add this vital difference: Imperial Russia marketed its misery at home. It had no export program. But Communist Russia went into business on a global scale. It worked out of the home office—the Kremlin—and began to set up branch offices throughout the entire world.

We Americans think we're pretty clever at advertising, at merchandising, at wrapping a product that will sell. But Madison Avenue could learn a lot from the Kremlin. They launched an inferior product and created a world market for it. How—? By a packaging job that made it look good. By a pitch that would make some of our career con men look like Simple Simons—by a sales organization that worked around the world and around the clock—and had sales techniques tailored to the customer.

This is not news to you. This is history—the history of what is undoubtedly the biggest confidence game since mortal man opened his door, and his ear—to the sweet-sounding commercial that promised pie in the sky—in big, generous slices. To put it in another way, the Communists are engaged in the most stupendous counterfeiting ring the world has ever known. But what they counterfeited was not currency. It was freedom. Their promise, their pitch, was to liberate man—to free him from the "shackles of an imperialistic, capitalistic society."

So while this hustler—this global hustler communism — was reaching around the world—the better to grasp it, the better to put a chain on the big ball of earth—what was freedom doing?

The sad truth is that freedom was scarcely aware that a competitor was after its territory. It kept selling to anybody who wanted to buy—but without zeal, without vigor, without imagination—merely taking orders, not going out and bringing them in on the open market. And so, on the one hand we had communism, dynamic as a hungry fighter—on the other hand, freedom, static as a frozen asset.

This fatal trend—this drift away from challenge—from reality—has now. I firmly believe, been stopped. The free world, at long last, appears to have awakened from the deep sleep of inertia and apathy—awakened to a realization that it is in a fight—that it must not retreat—that to keep fighting a rearguard action is to fight a losing action—that the time for reacting is past—the time for acting is here.

Our free society has come to the realization—the healthy realization—that you can't sit back and claim that freedom is man's best hope.

You've got to go out and prove that it's man's best hope—on the proving ground of human experience—in that ultimate battlefield which is the hearts and minds of men.

Freedom has known its dark hours, its hours of discouragement—as communism seeped its blood red across the map of the world—as it showed its bulging muscle, and boasted of muscles unveiled—as its Gagarin amazed and electrified mankind by being the first man to circle the world—a Magellan of outer space.

In this connection, I think there are some things that ought to be underscored. In a nation, as in a man, greatness is not the mere possession of power. It's the way that power is used. It's the leadership that harnesses and directs that power to the optimum good of our free society.

Too often, on the world stage, America has given the impression of—how shall I describe it—of playing to the gallery of world opinion—of being more interested in winning approval than in winning respect.

Our fault, I feel, is that we have attempted to be all things to all men—and in the process we have diluted the strength of our leadership, softened the impact of our influence upon events.

Indeed, if neutralism has prestige in this world—unmerited prestige—if it has been inflated to its self-appointed role as the conscience of mankind—if it wears the fake halo of righteousness—a great part of the responsibility for this sanctification of global fence-sitting devolves upon ourselves. Softness and pliability are desirable qualities in leather. They are not desirable in the conduct of foreign policy.

Our concern must be not to beef up the forces of indecision, not to give statute to neutralism—but to beef up freedom, to pursue what is right, not what is expedient. It might be said that U.S. policy is neutral toward its enemy, friendly toward the neutralists and hostile toward its friends. This may be an overstatement—but it contains enough truth to give us pause.

When another power is dedicated, openly, unmistakably, to the target objective of winning the world, we who must defend that world, far from engaging in a popularity contest, must tighten the fist of power, of purpose, and commit ourselves wholeheartedly not merely to the survival of freedom but to the triumph of freedom. The Communists know what they want—precisely—and they are going after it. We know what we want—and we must go after it—no matter how many egos we have to bruise, no matter how much criticism we have to face. We cannot alternate between toughness and softness—between showing our muscles and showing our smile. If we try to have it both ways, we'll have it no way.

Actually, Soviet Russia has not yet built the Iron Curtain that can hide its serious shortcomings, its failure to match words with deeds in its master plan of gaining title to the soil and soul of all mankind.

The Berlin wall stands not as a symbol of Communist power, but of Communist weakness. Like a giant billboard across the face of East Germany it proclaims to the world that Khrushchev, like a jail warden, must lock his gate and seal his compound to keep the prisoners from escaping.

Indeed, over these past years, the greatest jail break in all history has taken place, in Red-ruled lands—5 million brave freedom-loving people have risked their lives to find life—have slipped out of the darkness of tyranny into the sunlight of freedom. The people's government is a government the people don't want.

There are signs, too, within Soviet Russia, the very heartland of communism that the winds of change—however light—may be blowing. I heard recently of a former American diplomat who has made numerous trips to Russia. He has spoken of the growing spirit of irreverence for authority that he has noted, particularly among the young.

Something that happened to him on a recent trip, he explained, would not have happened on a trip he took in 1955. On this last trip he was in Moscow, and had an appointment to meet some friends in a cafe. On the way from his hotel to the cafe he noticed that he was being followed. His friends were waiting for him in front of the cafe—but carefully he pretended not to know them and whispered to one as he passed, "Don't recognize me. I'm being followed by an agent." "So what?" his acquaintances laughed. "Who's afraid of a shadow?" And they proved their words by turning and making derisive gestures in the direction of the agent—and heckled him when he walked into the cafe.

The diplomat expressed his surprise, and the Russian told him. "What can the government do? Maybe put us in the Lubianka jail over the weekend—so we get a break. We spend a weekend at government expense."

What Russia has been trying to do, of course, is to preserve a feudal society in the modern world. One might say that freedom is the ultimate weapon that Khrushchev has thrown up his defenses against—but its fallout is beginning to appear in Communist lands. Freedom is coming on the winds of

change—and it cannot be kept out by walls or curtains.

If we could speak of Communist ideology as a script written by Marx and Lenin—and now being staged by Khrushchev—the fact is that the play isn't living up to advance notices. You remember the old Roman formula—give the people bread and circuses, and you'll keep them happy. The Soviet people are getting the circuses—the space feats of Gagarin and Titov, the satellites, and the moon shots—but the bread is less in evidence. Disturbingly less. In fact, the Communist failures in agriculture stand as a glaring indictment of the whole regime.

The world prestige of space feats—the parade of military might—these are heartlifting to the Russians, but they are not stomach filling. You can't eat prestige; you can't make a main meal out of national pride.

Then there is the matter of the world image of communism. Lenin and Marx saw it as a beautiful, harmonious image—integrated, coordinated, flawless—but such is not the case. The image is distorted, twisted out of focus by the deep division between the U.S.S.R. and Red China, blemished by the going-my-way policy of Tito, by the tendency of Albania to divorce the Kremlin and make eyes at Red China.

We must examine the meaning of these facts, these developments, not merely in the context of Communist relations with the United States but in the context of the Red propaganda drive throughout the world. As any salesman knows, it's hard to sell a product that doesn't work—or at least doesn't work the way the commercials say it will. When communism sets up its stand in the marketplace of ideas, it must dress its window with successes, or else the buyers will be scarce. And at this moment, successes are in short supply.

Emerging nations are not impressed by a system that can't feed its people—by a system that has the guns but not the butter, by a system that people are running from, not toward—that is split down the middle by basic disagreements—and fragmented by the cell separations of local style communism—and unable to keep a steady gravitational pull on all of its satellites.

This does not mean that communism is in the process of digging its own grave—but it does mean that communism is not burying freedom—that its so-called wave of the future looks on the contrary more like a backwash that is drenching the Reds with the cold hard facts of life.

In this connection, I am reminded of the story that is told of the Russian big shot, engaged in making an inspection tour of his country's grade schools. He was impressed by the answers he was getting from one bright sixth-grade boy. "What can you tell me about the United States?" asked the man from the Kremlin. The lad answered: "The United States is a country where a few rich men dominate millions of poor people, most of them downtrodden, illiterate, starving and stupid." "Ah," beamed the Russian leader, "very good. Now tell me what is the goal of Russia?" "The goal of Russia," said the bright lad, "is to catch up with the United States."

And our allies are a part of this total pattern of a revitalized freedom—of a system that doesn't merely blueprint a set of dreams—but makes those dreams come true. Western Europe, for example, has welded its separate national strengths into an economic power mass that has packed massive muscle into freedom's arm. Western Europeans are outproducing Russia in steel, coal, electric power and cement—all the big biceps that command respect—whose silent strength is a growing factor in the decisions that make history.

The facts are clear—and they are heartening. Across the world freedom is on the march. We must not, however, mistake gain for victory. The struggle will be long and hard. Our spirit, our drive, our zeal must be equal to that struggle. Above all, let us remember this: the defense of freedom is not the unique responsibility, the vested interest of government.

It is the personal responsibility of us all, as members of a free society under God—a society that so many before us have given their lives to defend and to preserve. Only when we are true to that responsibility are we true to ourselves—and to those we love.

And let us not forget the many ways in which freedom has died, gloriously, cravenly, courageously—but the saddest, most ignominious death of all is when freedom dies in its sleep.

REMARKS OF SENATOR THOMAS J. DODD, AT THE AMEN CORNER ANNUAL DINNER, HOTEL PENN-SHERATON, PITTSBURGH, PA., SATURDAY, APRIL 14, 1962

The United States, up to now, has had a success as a nation which is unique in history. By every index of national achievement our country is unrivaled in the world today. Whether the standard be industrial production, agriculture, military strength, or standard of living, our country is truly the giant among the nations of the world.

Moreover, important as our physical resources and material wealth and military strength are, even more important is the fact that our national heritage has been an honest one; our national ideals are valid and have universal appeal; and the causes we uphold in the world are right causes, right for ourselves, and right for all peoples.

If all this is true—and it is—what we have seen in the world in the past 17 years represents a strange paradox. For we have seen the wealthiest, strongest, most successful Nation in the world, a nation which has used its wealth and strength not to enslave others but to assist them, losing round after round against Communist opponents who are markedly inferior in every index of real success.

There are many reasons for these defeats. Tonight I would like to speak about only one of the reasons.

On a variety of crucial issues we have allowed sentimentality to displace realism in the formulation of our national policies.

By sentimentality I mean a fuzzy emotionalism which approaches complicated problems either with the rapture of an ardent lover, or the indignation of a dragon-slayer.

I mean a chronic optimism about the motives and nature of the Communists.

I mean the Hollywood-style approach to world problems; the placing of what we would like to believe ahead of the facts; the preferring of sentimental assumptions to cold unpleasant realities.

I refer to the lopsided state of mind which is so entranced with such general goals as peace, disarmament, brotherhood, and reform (with a capital "R"), that it ignores the real obstacle in the path of each of these goals.

Harold Ickes once said of Henry Wallace that he considered himself so firmly in possession of the truth that facts did not matter. So it is with the sentimentalists of today.

Sentimentality can be a very endearing trait in a personal relationship.

Surely it is a comforting thing to have some friend or loved one look at our faults not with the cold eye of reality, but with an attitude that sees only the good and ignores the bad. But this quality that can be so consoling in personal relationships can be very deadly in the conduct of national policy.

During World War II for instance, we allowed ourselves to get emotional about the Russians. We began to think of Red Russia as a land of happy peasants and brave soldiers, united under heroic leaders. Even our movies depicted scenes of colorfully dressed, singing peasants, parading arm in arm toward their collective fields as though they dwelt in some sort of paradise.

The direct results of swallowing all this moonshine about Russia was that in the later stages of World War II we formed a postwar foreign policy on the assumption that the Communists were all right after all, that they would honor their obligations of freedom for Eastern Europe, and would cooperate with us in building a free and democratic world.

One would have thought that the postwar Russian treachery would have punctured the balloon, and for many it did, but sentimentality has a way of enduring and regrouping, and of attaching itself to other fads.

We have always had a sort of Robin Hood complex in this country. We made a national folk hero out of Jesse James, who was really nothing more than a common thief, a murderer, and a pillager, on the false grounds that he took from the rich to give to the poor. This kind of nonsense gave a hand to Communist propagandists in the late 1940's and helped them to get away with fooling the American people when Communist thieves, murderers, and pillagers appeared in China under the guise of agrarian reformers who were to take from the rich and give to the poor. By the time we had gotten the dust out of our eyes, a nation of half a billion human beings had been enslaved.

Yet, 10 years later, the sentimentalists fell for the same thing all over again when Fidel Castro came on the scene, and they confused the whole Nation from the White House on down until a Communist dictatorship had been fastened upon our neighbors in Cuba.

Sentimentality has left its distorted mark on domestic issues as well. Let me use as an example what, for lack of a better name, I shall call the underdog sentimentality.

This approach views the criminal, the delinquent, the irresponsible person as the helpless victims of society rather than as a threat to society. or a drag upon it.

Here we encounter a frequent aspect of sentimentality, that of seizing upon an idea which has some merit and pushing it too far.

We have taken some wise measures in the field of probation of prisoners, rehabilitation, retraining, and humane sentencing. But in many places, the sentimentalists have gone overboard and pushed the soft approach so far as to severely hamper law enforcement and water down the principal deterrent to crime, which is the fear by the would-be offender that he will be swiftly apprehended and promptly punished.

Starting with the praiseworthy desire to take the big brother approach to juvenile delinquents, to shield them from the blot of a criminal record, to safeguard them from procedures that would throw them in with adult criminals, we have established a privileged sanctuary for many hardened criminals who are young only in years, and this soft treatment of them has served only to multiply the number of hideous crimes committed each day on our streets.

The sentimental desire to shield people from the results of their own actions has spilled over into a number of other fields.

Parental discipline seems to have gone out of style in many homes with the result that a growing number of young people are approaching maturity without any sense of responsibility, or respect for authority, or

concern for the rights and interests of others.

Discipline in some schools has deteriorated to the point where a teacher recently told me she was prohibited from even making a disobedient child put his head down on his desk, as a mild discipline, on the grounds that this might contribute to the growth of some mental complex.

In many schools, the child who fails to do his work and pass his examinations is no longer kept back and made to repeat the year but is passed along from grade to grade as though he had met the qualifications.

This sort of thing can have no other effect than to encourage in the future citizen the idea that no matter how irresponsible he may be, no matter how dismally he may fail even the modest tests of life, he can expect to be taken care of and shielded from the results of his own incompetence and lack of effort. Nothing could be more dangerous to a free society than the growth of this sentiment.

Another variety of sentimentality is the persecution complex which afflicts many and which has had a lamentable influence on public policy. The victim of this persecution complex looks at the world and sees a few noble dissenters appealing vainly to a benighted, apathetic public, with the vicious forces of government lurking in the background ever ready to pounce upon the noble ones.

To these people Alger Hiss was and, I think, still is, a hero, and Whitaker Chambers, Richard Nixon, and J. Edgar Hoover are still villains. The leftwing press, which is addicted to most forms of sentimentality, fairly wallows in this variety.

When a congressional investigation begins into Communist activities, the leftwing press and its sympathizers always try to picture the various individuals who are willing or witless collaborators in the Communist conspiracy as helpless, defenseless underdogs who are being put upon by an irresponsible publicity seeking group of Congressmen.

If the investigative hearings are to be in public session, the committee is charged with smearing the witness. If it is to be in private session, the committee is charged with star chamber proceedings. If a long list of Communist-front affiliations is substantiated, the committee is charged with promoting guilt by association. If pro-Communist and anti-American statements are correctly attributed to the witness, the committee is charged with persecuting a person for expressing his ideas.

And so it goes. The danger is that those who investigate the Communist conspiracy are threatened with personal vilification and political destruction. This drives good men away from anti-Communist work, it impedes the struggle against subversion and espionage, and it endangers the security of the country.

Internationalism makes sense, it is a blessing, when combined with a hardheaded realistic attitude. But when internationalism is perverted by sentimentalism, it gives birth to the most exotic plants and flowers, and I might add, to the most dangerous.

For the danger of the exaggerations and misrepresentations and emotionalism of the international sentimentalists is compounded by the fact that they frequently parallel the goals of the Communist world propaganda apparatus. I refer to such groups as the various peace marchers, the disarmament agitators, the better Red than dead crowd.

Let us take up the peace marchers. They demonstrate against the launching of our nuclear submarines as though these submarines were threats to peace instead of the guardians and protectors of the security and peace of the free world.

They parade in front of the White House and make a public scene, the effect of which is to produce the impression that somehow the President of the United States is not interested in peace or is less interested than he ought to be.

They parade through the halls of Congress with half-baked appeals to legislators against our defense budget or against the development of weapons that are necessary to give our military forces the supremacy they need to prevent an enemy attack upon us.

There are among the peace marchers and picketers many sincere, dedicated pacifists, people of unquestionable integrity who simply cannot believe that communism is totally evil or completely proof against the force of moral example. For the genuine pacifists I have respect, even though I believe that their philosophy is dangerously starry eyed. But I must say in all frankness that they frequently do not show very much discretion about those that accompany them in these demonstrations.

Some of the people are Communists and Communist fronters.

Others are publicity seekers.

Others are screwballs, the kind who attach themselves to any demonstration movements.

Others are merely gullible and deluded people who, unwittingly or half-wittingly, allow themselves to be manipulated and used by the Communist world propaganda apparatus.

But, whoever they are, the effect of these demonstrations and marches is not as negligible as it ought to be.

This strange amalgam of idealists and Communists, of fellow travelers and innocents, succeeds somehow in leaving the impression that they are all honest idealists, and perhaps the United States is as guilty as the Communists for lack of real peace in the world.

They command a degree of attention from the American press and the world press that is altogether out of proportion to what they represent in terms of American public opinion.

They have a certain intimidating effect upon our policy planners, an effect which is revealed in the apologetic manner in which we invariably announce new defense measures or such necessary steps as the resumption of nuclear testing following the recent Russian treachery.

Even the President feels compelled to invite these demonstrators in for tea instead of showing them the door.

One recurring theme is that if the women and mothers of the country made their influence felt more, we would move toward peace.

I do not at all resent the uncomplimentary inference about men implied in this; it is not important.

What is important is that this sort of thing promotes the belief in the world that the cause of tensions and possible war is the ignorance of perverseness of willful men in our country and in other countries, when the truth is that Communist aggression and the Communist blueprint for world conquest is the only real threat to peace in the world.

Any attempt to lay the blame equally on both sides is not only a smear upon our leaders and our country, and an evidence of a basic lack of commonsense or patriotism but it tends as well to immobilize our people, it confuses them as to the real danger and thus makes more difficult the task of arousing them to the effort which must be made to preserve our freedom.

Another form of internationalist sentimentality is the worship of that nebulous thing called world opinion. Again and again we are cautioned against taking steps that would strengthen ourselves or our allies because of the adverse effect it would have on so-called world opinion.

World opinion was probably the principal factor in our tragic abandonment of nuclear development and testing 3 years ago. This so-called world opinion is little more than the organized propaganda of Communists and their neutralist sympathizers around the world.

We are told, for instance, that this or that course of action will offend the sensibilities of the Indian villager, or the Burmese peasant.

Yet if we think about it, the Indian villager does not even know what is going on in the next village, let alone having an opinion about our moves on the international scene.

Even if he did have an adverse opinion, it would be our duty to take those measures which we felt were necessary to our own just interests.

But we are gulled again and again through our desire to cater to something that does not exist.

One of the greatest myths of the sentimentalists, and one which is rapidly being exploded by events, concerns the neutralists. Neutral nations have been pictured as being somehow above the cold war, as being the final arbiters of the dispute between East and West and of being the people to whom we must make an idealistic appeal. Neutralists are held up as the moral leaders of the world.

The sentimentalists have lionized people like Nehru and Sukarno.

The fact is, of course, that the neutral in today's world is one who for reasons of self-interest refuses to take a side in the gravest and most clear-cut struggle between right and wrong in history.

The neutralist has been a sort of pawnbroker between good and evil, playing both sides of the street, trying to get as much as he can out of both sides. Some neutralists are not even neutral, but are disguised pro-Communists.

The Communists have used the neutrals when it suited their purpose and slapped them down when they got in the way of Communist plans.

The United States has pampered them, catered to them, and shown them a deference and a consideration out of all proportion to their merit or their influence in the world.

Nehru's aggression against Goa and Sukarno's declarations against west New Guinea have exploded a lot of misconceptions about the neutralists in the minds of all but the most hopeless sentimentalists. But myths die hard and the sanctification of the neutrals will continue to hamper our efforts for a more realistic foreign policy.

The mecca of the sentimentalists appears to be the United Nations. The overflow of emotion concerning the United Nations has acted against the interests not only of that body but of the free world.

The United Nations represents one of the hopes we have for eventual world peace based upon law and international justice.

I have supported the United Nations. I support it now, and I demonstrated this only a few days ago by voting for the United Nations bond issue proposal.

But the United Nations has grave structural defects at the present time and principal among those defects are the veto power of the Communist bloc and the inordinate strength in that body of the new nations; nations which do not have the population, the wealth, the strength or the responsibility to match their influence in the United Nations. It should be clear that reforms will have to be made if the U.N. is to become equal to the task of preserving peace in the world.

Any attempt to objectively analyze the U.N. is greeted with howls of protest by the sentimentalists. Any criticism of unjustified U.N. action is condemned as an attack upon world peace.

To the sentimentalists, the U.N. is the answer to most world problems. Whatever the

crisis may be, there is an impulse to turn it over to the U.N.

The danger here is twofold: First, the U.N. is so ill equipped to deal with some crises that it would doubtless fail, make itself look impotent and ridiculous, and could discredit itself; second, there is the danger that resort to the U.N. will become a substitute for U.S. foreign policy, rather than an instrument of it. We must not let control of policy affecting our vital interests, and our survival, slip out of our hands. We must not shirk our responsibility for decisive action, and we must not burden the U.N. with problems it is not equipped to handle.

I make these criticisms of the sentimental approach to national problems not because I fancy myself as a critic, nor because I enjoy singling out any group for criticism.

I do it because the time has come to try to undo the damage which sentimentality has done to our national policy.

The moony assumptions that are so often allowed to go unchallenged must be met head on so they can be isolated and will cease to exert harmful influence on the conduct of our affairs.

There is a hope that the sentimentalists can be brought back to reality.

They regard themselves as idealists. They are a vain lot, with intellectual pretentions, but they mean well.

It may be possible to prove to them that sentimentalism is not idealism, that the goals they seek can be achieved, not by emotion but by reason; and that while dealing with the hard realities of national and international life may not be as exciting as pursuing phantoms, it can in the end be more rewarding.

Sentimentality can affect national policy only in a free country. Communist regimes are certainly the least sentimental of all governments.

We may hope that the free interplay of ideas which permits sentimentality to influence policy will at the same time provide the antidote to it.

Jefferson once said, "Error of opinion can be tolerated where reason is left free to combat it." It is time to put our reason to work.

PROPOSAL TO CHANGE TAX TREATMENT ON INCOME DERIVED FROM FOREIGN SOURCES

Mr. CURTIS. Mr. President, I ask unanimous consent to have printed in the RECORD a statement entitled "Proposal To Change Tax Treatment on Income Derived From Foreign Sources," prepared by me.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PROPOSAL TO CHANGE TAX TREATMENT ON INCOME DERIVED FROM FOREIGN SOURCES

(Statement by Senator CURTIS)

The administration's proposal to change the tax treatment we accord income derived from foreign sources would have far-reaching effects if enacted. It would reverse principles which have been included in our tax laws for many decades.

On February 12, the distinguished junior Senator from Tennessee reviewed our foreign policy objectives during the postwar period.

He expressed the view that immediately after the end of World War II our oversea obligations required the encouragement of private investment in the developed countries of Western Europe to restore their war-torn economies. Apparently many Americans believe that special tax inducements were provided in connection with the Marshall plan to encourage American firms to establish subsidiaries in Western Europe. The fact of the matter is that no such incentives were provided. Nevertheless, the impression persists that a tax advantage was granted and now that it is no longer needed, it should be repealed.

President Kennedy, in his message on our Federal tax system transmitted to the Congress on April 20, 1961, proposed the elimination of tax deferral privileges in developed countries, but he recommended, and I quote:

"That tax deferral be continued for income from investment in the developing economies. The free world has a strong obligation to assist in the development of these economies, and private investment has an important contribution to make. Continued income tax deferral for these areas will be helpful in this respect. In addition, the proposed elimination of income tax deferral on U.S. earnings in industrialized countries should enhance the relative attraction of investment in the less developed countries." [1]

This proposal for incentive taxation on income derived from investments in underdeveloped countries implies punitive taxation on the earnings of subsidiary companies in Western Europe and in other developed nations. This request supports the widespread belief that the present tax treatment of foreign source income is of recent origin. In our consideration of the administration's tax recommendations, it is necessary that we clearly understand that tax deferral and foreign tax credits have been reviewed by the Congress for many decades, and it has not changed these basic principles for more than 40 years.

The implication that tax deferral is a postwar concept is unfortunate. Ever since our first income tax laws were enacted in 1913, the income earned by foreign subsidiary corporations was not taxed until it had been remitted to the American parent corporation. All subsequent reenactions and revisions of the income tax laws have adhered to this concept. Likewise, the provision that credit be granted against U.S. taxes for taxes that have been paid abroad, is also found in our earlier statutes enacted long before the start of World War II. No provisions were enacted by the Congress after World War II to encourage American firms to invest capital in Europe.

We are accordingly not concerned with eliminating an incentive but rather with the broad considerations effecting the objectives we should seek with respect to American direct oversea investments.

President Kennedy and the Secretary of the Treasury agree that it is desirable to encourage private investors to assist in advancing economic growth and raising living standards in the underdeveloped countries of the world. Apparently, it is assumed that if investment in developed countries is made less attractive, that funds will automatically be made available for investment in the countries which had been selected for favored treatment by the administration. This concept is unrealistic. It has long been recognized that the major share of our merchandise trade comprising both exports and imports is with the developed countries of the world and not with the nations whose advancement we seek to promote. The reason that this trading pattern evolved stems from the existence of markets for a wide variety of goods in developed countries. American industry manufactures countless products which cannot be sold in any great quantity in the underdeveloped countries until their economies have advanced to a stage where there is a normal market for them.

Many of the problems which confront the Congress in dealing with taxation, tariffs, and trade, and foreign aid arise because too often we fail to consider that the entire world for all practical purposes must be regarded as a single trading area. Many witnesses who appeared before the House Committee on Ways and Means stressed the need to develop an integrated foreign policy. While the Marshall plan was in effect, our efforts were concentrated in Western Europe. At that time, our Latin American neighbors believed that their interests were being neglected—perhaps this explains the unrest in that area of the world today. Now we propose to right the balance by discouraging normal commercial relations with Western Europe and concentrate our attention on Latin America through the Alliance for Progress program.

Unless we remember that the principal support for America's global objectives must be provided by other developed nations, we may encounter future difficulties.

I believe that the Senate in its consideration of H.R. 10650, and particularly as it concerns the taxation of foreign source income, must develop policies that recognize the world for what it is—an entity—a worldwide trading area.

The administration apparently believes that it can control the investment decisions of private enterprise by a selective application of tax benefits and penalties. Those firms which responded to the appeals of previous administrations to risk their capital and develop markets in Western Europe are now to be penalized for so doing.

Let us remember that the funds invested overseas are private and that they could have been lost completely if the enterprises they made possible proved unsuccessful. The economic strength which exists in Western Europe today is a result of the joint efforts of private citizens and the U.S. Government since the inception of the Marshall plan. Since a concern for equity has been advanced to justify the elimination of tax deferral and a revision of the foreign tax credit by gross-up procedure, it is important to determine whether these changes are truly equitable. Funds have been committed which belong to American citizens for long-term fixed investments. At the time that the decision was made to venture overseas, American management acted against a background of basic principles with respect to the taxation of foreign source income than had been in effect for four decades.

Under both Democratic and Republican administrations, American firms were strongly encouraged to take advantage of the investment opportunities provided by a growing world economy.

Now that these oversea enterprises are profitable, is it truly equitable to change the tax laws which have been on the statute books for many years? Is it proper in effect to change the rules after the game has started? If we agree that regardless of equity considerations these changes are necessary to redirect overseas investments to underdeveloped countries, will their enactment have such an effect?

I am convinced that rather than encourage greater investment in underdeveloped countries, the administration's recommendations would have exactly the opposite effect. It is not too hard to perceive why this result should occur. Americans, who responded to requests by previous administrations and risked their funds in support of foreign policy goals will be concerned with only one question in determining whether to invest in underdeveloped countries. This question is a logical one. If they establish enterprises in underdeveloped countries—and they are equally successful—will their efforts result

[1] "President's 1961 Tax Recommendations," hearings before the Committee on Ways and Means, House of Representatives, 87th Cong., 1st sess., vol. 1, p. 9.

in a reclassification for tax purposes of these underdeveloped countries into developed nations? Every Senator confronted with a similar investment decision would have the same concern.

In the course of the extended colloquy with respect to the taxation of foreign operations between the junior Senator from Tennessee and the junior Senator from Alabama, the discussion turned to American activities overseas to secure necessary raw materials for the operation of American industry. The junior Senator from Alabama discussed iron ore mining operations in Venezuela which he had personally observed. He stated that—and I quote—

"It is good for Venezuela for private business from this country to be engaged in mining in Venezuela. It is good for us to get the iron ore here.

"Birmingham is in a very rich iron ore, coal, and limestone center. It is one of the few places in the world where all three are located in the same neighborhood, which is quite advantageous. Yet the Tennessee Coal & Iron Co., which operates its great installation in Birmingham, has found it to its advantage to import Venezuelan ore. It is richer ore than ours. By mixing it with the local ores, which are produced in Alabama, they are able to get out a better product, and really step up employment. Both sides are thus helped." [2]

The junior Senator from Alabama then raised an interesting question. I shall quote directly from the CONGRESSIONAL RECORD of February 12, 1962:

"I do skip over very lightly the question of whether or not it might be better for Venezuela if it had its own steel mill down there. I do not know. I do not know what the economic factors involved are." [3]

Venezuela is an underdeveloped country. In accordance with the criteria established by Secretary Dillon, it presumably would be in our national interest to encourage industrial development in that country.

Accordingly it is of some concern to determine where funds for new enterprises in a country such as Venezuela might originate. There are actually only three possibilities for the financing of such an enterprise.

1. The citizens of Venezuela through their own efforts might organize a private development corporation to undertake this task. However, past experience makes it seem unlikely that this would occur.

2. Funds for such an enterprise might be secured from international organizations or through grants or loans by our own Government. This would necessarily entail an additional burden in one form or another on U.S. taxpayers.

3. The most desirable and rapid method of creating industrial facilities would be to encourage American firms to establish subsidiaries for this purpose. Naturally, any responsible management in deciding whether to commit American dollars in such a venture would seek assurance that there would be a favorable business climate, market possibilities, and all of the other favorable factors to justify using funds belonging to countless American stockholders.

Venezuela is considered an underdeveloped country today. However, if Congress permits the Executive to classify the nations of the world into categories with different tax treatments, I seriously doubt that any American investor would consider a commitment that if successful would almost assuredly result in the imposition of a tax burden not present at the time it was made.

This third alternative to provide the funds for industrial development is consistent with our dedication to free enterprise principles. Furthermore, it would not entail any added burden on U.S. taxpayers.

However, if the Congress should adopt the recommendations advanced by the administration, there could be little doubt but that capital outflows to the developed nations will decline. This would produce a short-term improvement in our balance of payments at the price of an admitted serious decline in our favorable position within a few years. This proposal in many ways implies that capital funds should be used for current expenditures, as I do not believe that the funds which are deterred from use in the developed countries would necessarily be invested in the United States, and it is most unlikely that they would be ventured in the underdeveloped areas in the world under the conditions that I have already stated.

Many witnesses in their appearances before the House Ways and Means Committee reviewed their own specific corporate activities and showed conclusively that the earnings from Western Europe on which the tax was deferred provided the principal source of funds for projects in the underdeveloped countries of the world. As an illustration of what can be accomplished, the testimony of Mr. Harold D. Arneson, president and general manager of Abbott Laboratories International Co. is noteworthy. He state that—and I quote—

"In my opinion, it is an error to believe that retention of earnings abroad, in industrialized nations particularly, stimulates further investment in such countries, to the detriment of less-developed nations.

"Abbott's experience, here again typical of many other things, shows that our investments in Western Europe do not frustrate an increasing flow of private capital to the less-developed countries—but on the contrary we are using a substantial part of our earnings in Western Europe to expand our operations in less-developed areas.

"Abbott carries on all of its trading activities outside the Western Hemisphere through the use of a base company. During the past 5 years 48 percent of Abbott's base company's earnings were derived from industrial countries of the world, and 52 percent from the so-called developing countries. Upon analyzing the use of these earnings, we have found that 82 percent of the base company's funds that have been reinvested abroad have gone into the developing countries and only 18 percent back into the industrial countries." [4]

Still another witness described how foreign operations starting in the developed countries provided the funds for investments in the underdeveloped nations that would otherwise not even be considered. The gentleman to whose testimony I refer is Mr. Louis Putze, president of the Controls Co. of America, which manufactures specialized products used in the heating, refrigeration, air conditioning, automotive, appliance, aircraft, missile, and electronic industries. It is a relatively small corporation with gross receipts of $50 million a year. Mr. Putze describes how his organization first developed facilities in Canada and Western Europe before venturing into underdeveloped areas.

I quote from excerpts of Mr. Putze's testimony:

"To tax the unremitted earnings of American foreign subsidiaries would undoubtedly reduce investments by American corporations in Europe and in other developed areas. By so restricting foreign investment, the U.S. Treasury would in effect receive less in tax revenue. American investment overseas has demonstrated an ability to earn a substantial profit and to return to the U.S. parent dividends, interest, fees, and royalties many times the original investment. In addition, they have been responsible for the sale of American manufactured goods, resulting in profits on which Federal income taxes are paid.

"I believe that Controls Co.'s experience amplifies this point. Since 1950, Controls Co. has invested approximately $576,000 in two foreign manufacturing operations in Canada and in Holland. During this period up until March 31, 1961, we received from these two companies over four times this amount in dividends less foreign taxes withheld, service charges and interest, and these companies have purchased over $5 million of manufactured products from our American factories.

"The Federal income tax paid on dividends, service charges and interest, and on the estimated profit on sales to these companies, amounted to approximately $76,000, or 1⅓ times the amount of the original investment. If foreign income taxes had been lower, the U.S. Treasury would have collected more taxes.

"The point that I wish to make here and the point I hope will be remembered is that Controls Co. does not contribute to the balance-of-payment problem of our country but, in fact, we have assisted in bringing a substantial excess of foreign exchange to the United States over our foreign investment.

"If we add up our export sales to these two companies, our dividends, service charges and interest received from them, they total $7,400,000, compared with a net investment in Canada and Holland of only $576,000. This is a favorable balance of $6,800,000 by a small company in 10 years. Who could ask for more from an investment like this?

"The foregoing example of our Canadian and Dutch investments illustrates Controls Co.'s experience in industrialized countries. We believe it would defeat the Government's avowed purpose of increasing investment in undeveloped areas if its tax policy should discriminate against investment in the developed countries. It is our experience, and that of others, that earnings derived from investments in developed countries are utilized to invest in the comparatively more risky undeveloped countries. In our case, I am certain it would have been virtually impossible to obtain director approval for our subsequent investments in Brazil and Argentina if the European venture had not been successful enough to provide funds for these South American investments.

"Also, providing tax assistance in undeveloped countries is of no assistance to Controls Co., as a country must have achieved a substantial level of living before it can achieve assistance from the products of our company." [5]

While the administration contends that tax deferral would channel funds from developed nations to the underdeveloped countries, Mr. Putze showed that this is not likely to occur.

His testimony also shows that oversea investments, whether undertaken by large firms or small ones, will invariably contribute to a favorable balance-of-payments position for the United States. Direct subsidiary operations in developed countries with tax deferral will provide funds for those ventures which entail an element of great risk and where political and economic conditions are unstable, a characterization which unfortunately applies to most underdeveloped nations.

Investors who have experienced expropriation and nationalization in Cuba, the Congo, and Brazil are not likely to risk further funds which have already borne the impact of a 52-percent tax even before they are repatriated to advance the economic development of Asia, Africa, and Latin America.

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[2] CONGRESSIONAL RECORD, Feb. 12, 1962, p. 2195.

[3] Ibid.

[4] "President's 1961 Tax Recommendations," op. cit., p. 2848.

[5] Ibid., pp. 3171–3172.

The Machinery and Allied Products Institute in its statement filed with the House Committee on Ways and Means entitled "Private Investment Abroad" developed this thesis. I quote further from pertinent excerpts of this statement:

"It should be emphasized that earnings brought back to this country will normally not be transferred to underdeveloped areas. We have been informed by some companies that top management is extremely reluctant to approve new investment of capital in countries of South America, Asia, or Africa from earnings generated within the United States because of the relatively high risk accruing to such investments. They are considerably less reluctant to approve such investments from funds generated by oversea subsidiaries because they feel that the greater risks of such investment are offset to a significant degree by the lower tax liability accruing to such earnings. Until these earnings are brought back to the United States, they are not, of course, subject to U.S. tax. Withdrawal of tax deferral would tend to dry up this major source of venture capital for underdeveloped areas. This is not to suggest that the tax factor is the sole consideration involved in management decisionmaking with respect to investment abroad. Indeed, there are many factors, including cost of production, market, sources of supply, etc. However, it is perfectly clear that the tax factor is important, particularly in connection with the creation of investment capital in developed countries for transfer to lesser developed areas." [6]

The interrelationship of the expanding economies of the world clearly shows that there are many opportunities to secure a position in an oversea market for American exports if they can be combined with products produced by a subsidiary. The export of the finished article from the United States is not an alternative to such an opportunity. On the contrary, if American firms are unable to meet price competition in every market throughout the world, foreign firms operating without the tax impediments the administration now proposes will secure the business and provide job opportunities in other countries.

I quote a further excerpt from the statement prepared by the Machinery and Allied Products Institute which provides further evidence on this subject:

"Local identification helps to stimulate exports * * * the establishment of a permanent operation overseas serves to facilitate contacts with foreign customers and by giving the company greater local identification helps to penetrate markets which could not otherwise be penetrated. One company, with which we are familiar, prior to 1959 was unable to penetrate the German market to any significant degree. However, as a result of establishing an operation in that country it now finds that its German customers are not only willing to purchase from the German-based company but, because of the greater local identification established by the U.S. company as a result of its German subsidiary, it now exports in substantial volume to the German market products which it is manufacturing in the United States.

"Creation of foreign distribution channels * * * as companies invest abroad and become oriented to foreign markets they normally develop extensive foreign distribution channels to handle the products which they are manufacturing overseas. These same distribution channels can then be used in aggressively marketing related U.S. products which are not manufactured abroad. This frequently serves to facilitate greater U.S. exports.

"Demand created for U.S.-manufactured components * * * investments overseas create a demand for U.S.-manufactured components which are assembled in the company's foreign plants and can be shipped into third markets. By way of illustration, one capital goods company recently set up a manufacturing operation in Belgium, imported some of its components from its U.S. plant, assembled them in Belgium, and shipped the assembled product to Mexico. Had the company attempted to manufacture the entire product in the United States, the cost would have been too high for them to compete effectively with foreign competitors for the Mexican market. By establishing an operation in Belgium, it can sell U.S.-manufactured components in the Mexican market indirectly through its Belgium subsidiary. In short, investment abroad has saved for the company a share of the world market which would otherwise have been wholly lost, and of the total labor required to serve that market it has preserved a substantial portion for the United States by virtue of its foreign investment." [7]

"We are familiar with a company which recently received an inquiry from Latin America concerning certain of its equipment. On the basis of information as to prices quoted by some of its foreign competitors, the company realized that it could not quote the U.S. price and get the order. Fortunately, it was able to quote successfully from a lower cost European plant. Had the U.S. company not had an operation in Europe, it would have lost the order to a foreign competitor." [8]

These examples are typical of the relationships which exist between an American parent firm, its subsidiaries in developed nations, and the means to make jobs for American citizens by taking advantage of the market potential available in underdeveloped nations. We are not confronted with the problem of determining whether a special incentive to direct capital flows to Western Europe is no longer necessary inasmuch as the basic concepts involving the deferral of taxation and a U.S. tax credit for foreign income taxes have been included in our statutes for many years. The Congress never granted a tax incentive in connection with the Marshall plan as some apparently believe. American firms have developed markets when the opportunities were favorable with existing and long-established concepts of taxation, and there is every reason to maintain these principles, which have served us well, in any tax legislation which the Congress may enact.

I shall continue to develop further facets of this important issue relating to the taxation of foreign source income. It is of concern not only to American investors but to our national security. The attainment of our foreign policy objectives and the employment of our own citizens who are given access, directly or indirectly, to markets that would otherwise not be available to them must not be jeopardized by ill-conceived and unfounded tax theories. It will be very difficult to correct the damage which hasty legislation may create.

[6] Ibid., p. 3143.

[7] Ibid., pp. 3145–3146.

[8] Ibid., p. 3147.

EVALUATION OF THE NATION'S SPACE EFFORTS

Mr. KERR. Mr. President, in the month of May, last year, the President of the United States completed an analysis and evaluation of this Nation's space efforts. Upon finishing this study the President told the Congress:

> Now is the time to take longer strides—time for a greater new American enterprise—time for this Nation to take a clearly leading role in space achievement which in many ways may hold the key to our future on earth.

The President issued a bold and daring challenge to the American people when he said, and I quote:

> Space is open to us now; and our eagerness to share its meaning is not governed by the efforts of others. We go into space because whatever mankind must undertake, freemen must fully share.

And then the President told us

> I believe that this Nation should commit itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to earth.

These words are a testament to his vision and courageous leadership.

Now, almost a year later, we are witnessing an accelerating unfoldment of the President's plan. This drama of success is being enacted before the eyes of our own people and those around the world. Deeds of heroic magnitude which existed only in the imagination or in fiction yesterday have become real, routine, and factual today. Exploits which appeared impossible only a year or so ago have suddenly become realities. A magnificent example is the latest achievement of the National Aeronautics and Space Administration pilot, Joe Walker, who yesterday flew the X–15 experimental rocket plane to an altitude of more than 48 miles, and at a speed of about 3,500 miles per hour. Walker zoomed to the edge of outer space, and then brought the big rocket plane back through the searing heat of reentry into the atmosphere and to a safe landing on the California desert. Pilot Walker remarked upon his return;

> I had a feeling that if I ran the engine much longer I was going to be in orbit. I could take orbit with no strain at all. The success of today's flight means there is no question that we can put a winged vehicle in orbit and land it as I did.

That historic flight of yesterday, Mr. President, provided our space scientists and engineers with further data which will help them design and build even more efficient transport and space vehicles. Amazing feats are now coming at a faster and faster rate. During the past 10 days, event has raced after event to demonstrate the ever-increasing accomplishments by the National Aeronautics and Space Administration and other Government agencies and civilian institutions joined in these space age endeavors. In fact, a scientific, economic, and cultural phenomenon is now taking place in the world as a result of our own technological speedup, envisioned and inspired by our President, which has a profound meaning for all mankind.

Yesterday, here in Washington, a meeting got underway which points up the tremendous effect which space science and technology is having, and will continue to have in increasing volume, upon the affairs of men. This meeting to which I refer is the third annual session of the Committee on Space Research of the International Council of Scientific Unions, commonly called COSPAR.

The meeting started in an atmosphere of hope, an atmosphere created by the

people of the United States who, through their Government, have demonstrated a willingness to cooperate in the development of space for peaceful purposes. Just a year ago next Saturday, the United States first sent a man into space. It was on May 5, 1961, that Comdr. Alan B. Shepard, Jr., made his historic suborbital flight from Cape Canaveral. The flight was made openly, as were succeeding Mercury flights, thus demonstrating our willingness to share this knowledge with the world.

During the past year, the tempo of the U.S. civilian space program has steadily advanced. It has become increasingly clear also that U.S. scientific space discoveries and achievements have far exceeded those of Soviet Russia. This leadership has been recognized by the vast majority of nations participating in the COSPAR symposium now underway.

During the past week, the United States successfully sent a spacecraft, Ranger 4, to the moon. This mission, while failing to gain much of the scientific knowledge which had been hoped for, did achieve amazing results. It proved that we have produced a launching and guidance system which will enable our scientists to continue unmanned lunar explorations with greater confidence and precision.

During this past week, also, the United States and the world were thrilled by the second successful flight test of the world's most powerful rocket, the Saturn. This test, like the first conducted last year, proved 100 percent successful. This second launch vehicle in the Saturn series carried a bonus experiment atop its 30-million horsepower engines, hoisting 95 tons of water into the ionosphere 65 miles above the earth. When this water was dumped on schedule into the near vacuum at that altitude, our scientists noted what Dr. Wernher von Braun termed "The first synthetic thunderstorm in space."

And, most appropriately, Mr. President, in advance of the international symposium now underway, U.S. scientists during the past week joined with the scientists of two friendly nations in successful international space experiments.

The first of these was an experiment conducted at Wallops Island, Va., by scientists of Japan and the United States. The Japanese had worked on their package of experimental instruments for nearly 3 years prior to this first launching. This cooperative program, designed to probe the ionosphere by the simultaneous use of different techniques which have been developed independently in Japan and the United States, will continue.

Last Thursday, the first international satellite was launched from Cape Canaveral. American rockets placed in orbit 132 pounds of scientific instruments supplied by scientists of the United Kingdom. History will duly credit, I believe, the scientific statesmanship which has resulted in these international "firsts" in space.

Another event of major significance was the disclosure late in the week of plans for a new geodetic satellite which will bear the label "Anna." Our scientists have indicated that the international scientific community will be invited to participate in this project designed to improve worldwide mapping techniques, radar signaling techniques, and more accurate astronomical measurements.

Still another event during the last week which merits our attention was the announcement that United States and Soviet scientists had agreed on plans to establish a worldwide system for collecting data from meteorological satellites. This is the direct outgrowth of work which NASA scientists, in cooperation with their fellow Americans in the U.S. Weather Bureau, accomplished in the development of the Tiros satellites.

We are indeed proud of the contributions that thousands of American scientists, engineers, technicians, and other workers have made in this trailblazing in the space age.

The National Aeronautics and Space Administration, in working not only with other agencies and branches of our own Government but also with American industry and scientists, has faithfully followed a course which the Congress charted with the passage of the Space Act in 1958, and accelerated last year in accordance with the President's great challenge.

Therefore, in calling attention to the hopeful trend of events up to this point in the current COSPAR symposium, I believe congratulations are in order for both the executive and legislative arms of this Government. For without this inspired and forthright leadership by the people and the Government of the United States, this dramatic and hopeful trend toward a new era in international cooperation and friendship would not exist.

FUNDS FOR REGION II PARK SERVICE OFFICE

Mr. HICKEY. Mr. President, on my behalf my colleague, the senior Senator from Wyoming [Mr. McGEE], a member of the powerful Appropriations Committee, has presented to the committee my request to restore funds for the transfer of the Region II Park Service office from Omaha, Nebr., to Wyoming. The Interior Department appropriation bill as passed by the House contained a restriction forbidding the use of any funds to move the office to Wyoming, although the Interior Department had already announced this would be done.

My request is that the committee report contain this language:

> The committee feels that the National Park Service should not be denied the use of funds contained in this bill to transfer its Region II headquarters from Omaha to Wyoming, if after the Secretary of the Interior's promised restudy is completed, the advisability of the transfer is confirmed.

The provision restoring the funds will be known as the Hickey Amendment to the appropriation bill, presented in an effort to transfer the Park Service headquarters from Nebraska to Wyoming.

NEW YORK STATE SENIOR CITIZENS MONTH

Mr. KEATING. Mr. President, today, May 1, is a significant day for senior citizens in New York. Governor Rockefeller has designated the month of May as Senior Citizens Month. He has called upon all New Yorkers "to coordinate their efforts on behalf of those to whom we owe so much."

As an illustration of the Governor's deep concern about the aged, I call attention to the fact that today he is also heading a special Conference on Aging in New York City under the auspices of the New York State Office for the Aging. This conference will consist of panels or workshops on specific needs of the aged and will be highlighted with an address by the Governor. Some one thousand people are expected to attend.

New York State has vibrant and progressive programs to help meet the needs of the aged—in terms of their health, employment, housing, recreation, and the encouragement of useful and productive retirement activities.

Governor Rockefeller has focused attention on these issues in New York State. It is with pleasure today that I call attention to his activities in this area and commend him and his administration for the strides which have been made by the Empire State in meeting this heavy challenge.

I ask unanimous consent that the text of the Senior Citizens Month proclamation referred to above appear at this point in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

> Our elderly citizens merit the equality of opportunity which is the goal for all our citizens—opportunity for employment, adequate housing, medical aid, recreation, and full participation in community life.
>
> Our task is to help provide a meaningful way of life for older persons so that they may continue to contribute to their community in a dignified and productive manner.
>
> We must never forget that our senior citizens are rich in potentiality as well as in years—that they are all of us, tomorrow or the next day.
>
> New York State is moving forward in a number of programs to improve the health and welfare of its aging residents.
>
> We have prohibited discrimination in jobs based on age.
>
> We are providing the most comprehensive program of medical assistance to the aged of any State in the Nation. More than 65,000 of our elderly have received assistance under this program since its inception last April.
>
> We are encouraging private health insurance companies to offer broader coverage at more reasonable rates to the aged.
>
> Last year the State office for the aging was established to coordinate, stimulate, and promote services for the aging throughout the State. This month the office will distribute a new publication, "Directory of Services for the Aging," providing for the first time a statewide listing of governmental and voluntary services available to New York's elderly.
>
> We have increased the State's housing program for our senior citizens in both low-rent and middle-income housing.
>
> In these and many other ways, the State is furnishing cooperation and leadership to citizens, volunteers, public officials, and the aging themselves in efforts to achieve our

common purpose—an independent, productive, satisfying way of life for our aging.

Now, therefore, I, Nelson A. Rockefeller, Governor of the State of New York, do hereby proclaim the month of May, 1962 as Senior Citizens Month in the State of New York, and I call upon all citizens to multiply their efforts on behalf of those to whom we owe so much. Let us all use this month to examine our present resources and needs, to encourage comprehensive planning and programs by public and voluntary agencies, and to embark on those activities that will clearly express the value our free society places upon our revered elders—the society their ideas, experience, and contributions fashioned so magnificently.

Given under my hand and the privy seal of the State at the capitol in the city of Albany this 9th day of April in the year of our Lord 1962.

NELSON A. ROCKEFELLER.

By the Governor:

WILLIAM J. RONAN,
Secretary to the Governor.

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

ORDER FOR ADJOURNMENT UNTIL NOON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its session today, it adjourn until 12 o'clock noon tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

Mr. MANSFIELD. Mr. President, I ask that the unfinished business be laid before the Senate.

The ACTING PRESIDENT pro tempore. Without objection, the Chair lays before the Senate the unfinished business, which will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 1361) for the relief of James M. Norman.

The Senate resumed the consideration of the bill.

Mr. STENNIS obtained the floor.

Mr. LONG of Louisiana. Mr. President, will the Senator from Mississippi yield to me?

Mr. STENNIS. I yield.

Mr. LONG of Louisiana. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH of Massachusetts in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. HICKEY in the chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. THURMOND. Mr. President, during the debate on the proposal to enact a statute which would establish a sixth-grade education as fulfillment of any and all literacy requirements imposed by the several States as prerequisites for qualification to vote, the constitutionality of this proposal has been shown to be wanting. The question of constitutionality has been discussed, so far, primarily in terms of its consistency with various words, phrases, and clauses of the Constitution. This is, of course, quite proper and necessary, as well as sound, from the standpoint of strictly legal construction of the meaning of the Constitution. There is not, in this instance, even a minor ambiguity in the wording of the Constitution which would warrant a look outside the terms of the great document, itself, for contemporaneous events which might throw light on the intention of the framers of the Constitution. Clearly and unequivocably, the right to establish qualifications for suffrage was left to the several States, not in generalities, but in specific, concise, and understandable language.

Nevertheless, in this instance, I think that it would be proper and wise for the Senate to contemplate the meaning and effect of the Constitution from a viewpoint of its overall import and impact, in order that it may better fit the proposal before us into proper perspective.

There is nothing particularly meritorious in a constitution, per se. A constitution has potentialities for providing at least two of the most desirable ingredients of a government—stability and political principles. Some constitutions provide practically none of either; for example, the various Soviet constitutions, which are apparently changed at the whim of the central committee of the Communist Party and which are absolutely devoid of underlying principles. Khrushchev indicated within the last few days that a new one is even now being drafted.

The Constitution of the United States is a document to which we should and must adhere, not just because it is dignified by the high-sounding name of "Constitution," not even because of its relatively ancient vintage. In the first place, our Constitution provides stability. It is difficult to change by the prescribed methods, and has thereby proved largely impervious to emotional fads and the glib sales pitches for political expedients.

The quality of stability, alone, however, could never inspire men to fervently swear to defend a document from all enemies, foreign, and domestic. And even stability, itself, could not derive in permanence from a relatively slow and intentionally difficult method of amendment. Something deeper is responsible for the deference which is the due of the Constitution of the United States. The something more in the Constitution of the United States is its reflection of sound and timeless principles.

The framers of the Constitution labored in conscious or subconscious awareness that Government, while necessary, constituted a principal source of danger to individual liberty. The purpose of the Constitution is to provide a Government with sufficient power to maintain order, commercial intercourse, and common defense, but so limited and arranged as to constitute a minimum possibility of its use to infringe on individual liberty. This purpose precluded resort of Rousseau's "pure democracy," on the one hand, and any major concentration of power on the other.

In seeking—and finding—the proper balance, the Constitution drew primarily on three concepts—republican form, the doctrine of separation of powers, and federalism, although not in equal quantities nor with equal consistency.

In the shaping of this new government the principles of republicanism were heavily relied on, although not consistently adhered to; for there is little, if anything, that smacks of republicanism in the judicial branch of the General Government. Had the constitutional scheme relied solely on republicanism, the experiment in government would have been doomed to failure. The Constitution fairly shouts that republicanism is essential; but it, alone, is not sufficient to insure the preservation of individual liberty. Governments which are just republican in form are most susceptible of conversion at the hand of tyrants into instruments of despotism. As one impediment to such conversions, the powers of the National Government were separated according to their nature; and an elaborate system of checks and balances was devised to preserve the separation. Both the principles of republicanism and the implemented doctrine of separation of powers contributed most substantially to the dual objective of maintaining individual liberty and of providing orderly government, but in neither, nor in the combination of them, alone, lies the secret that distinguishes our great constitutional system from the mediocre. While it must be acknowledged that the constitutional blend of republican principles with the doctrine of separation of powers results in a near perfect superstructure of government, it is not on the superstructure that the strength and duration of the government depend, but on the foundation. The foundation of the constitutional system is federalism.

Federalism, as the foundation of our constitutional governmental system, cannot be numbered among the contributions of the delegates to the Philadelphia Convention, although with a few possible exceptions, the delegates both understood and endorsed the virtues of federalism. Indeed, when the convention met, it was predetermined by history that whatever governmental system, if any at all, might be designed, it be precluded from any foundation other than federalism. The constitutional concept—that the maximum safeguards consistent with the orderly government be imposed against the concentration of power in the hands of any individual or group—was thereby dictated in advance to the delegates at Philadelphia, so that it remained only for them to construct a superstructure of government which fitted the foundation and conformed to the concept. The plan they devised was a masterly one, inconsistencies and contradictions so widely cited by critics of the Constitution to the contrary notwithstanding, for the inconsistencies and contradictions lie in the application of republican principles, as illustrated by the absence thereof from the judicial branch of the National Government, and in the application of the doctrine of separation of powers, as is illustrated by

the Executive's power of veto over legislative acts. The deviations from the principle of republicanism and from the doctrine of separation of powers were made to achieve consistency with the even more important constitutional concept which has its roots in federalism.

Those who assembled at the Constitutional Convention in Philadelphia in 1787 were not empowered as representatives of the population of European derivation on the American continent east of the Mississippi, north of Florida, and south of Canada, but as representatives of 13 separate States or nations at that time allied for specific purposes. The votes in the convention were, therefore, by States, each having an equal voice in the deliberations, without any distinction as to the size or population of a particular State. The proposed Constitution agreed on by the delegates was submitted not to the people as a whole but to the several States; and by its very terms it could not be ratified by the affirmation of a majority—not even a large majority—of the population of the combined United States, but only by 9 of the 13 States; and even when so ratified and adopted, it still applied only to those States which adopted it. Complete sovereignty lay with the people of any given State, and it was not within the legal power of the people of the other States, or all of them combined, to impose a political will from outside the State. The people of each State were sovereign.

Each of the Thirteen Colonies was a political entity. Although each, as a Colony, acknowledged the dominance of England, all attempts to eradicate distinctions between the separate Colonies were repulsed. New England refused to be governed by England as New England, even while each Colony in New England was still willing to be governed by England as an individual colony.

Even in the midst of a common cause—the war with England for independence—the Colonies maintained their distinct and separate identity. The Declaration of Independence presented to England and to the world a united front, not as a people united—however much so they may have been—but as 13 States, united in purpose. By that instrument it was declared not that the people of America were and ought to be free and independent, but that Colonies were and "ought to be free and independent States." The Revolution sought to establish 13 free countries, not 1, and it succeeded. Under the Articles of Confederation the States preserved the separate status of each with the express provision "each State retains its sovereignty," except to the extent that the Congress of States was authorized to act for them in certain specific matters. Although associated as colonies by geography, allied in a common cause against England, and federated under the Articles of Confederation in the early days of their independence, the Thirteen Colonies became 13 nations and so remained when the Constitutional Convention met in 1787.

Nothing better illustrates the complete sovereignty of the several States than the history and manner of the ratification of the Constitution. The final clause of the Constitution provided that—

> The ratification of the Convention of nine States, shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

On June 21, 1788, the United States came into being, upon ratification of the Constitution by New Hampshire, the ninth State to do so. On the eastern seaboard there were then the United States, comprised of nine States, and four other independent nations, for a total of five. Of the other States, most ratified the Constitution and joined the United States shortly thereafter. None was compelled to do so. They could have remained separate and apart. Rhode Island did remain a separate nation for almost 2 years, despite former alliances and common causes with the others, and when Rhode Island did join the Union on May 29, 1790, it was by a two-vote margin of the Convention of that State and not from any external compulsion.

Federalism in America was a byproduct of the English colonial order, rather than the brain child of political theorists. Had the pattern of settlement developed all along the seaboard in one expansive colony and, therefore, been administered as one political entity, it is problematical whether federalism would have been incorporated into our political structure. Even in the settlement of English America, it was diversity of interests and purposes that dictated the plurality of colonies, rather than the other way around. In Virginia, profit was the prime motive for the settlement efforts. In New England, religious freedom was the prime motive; while in Georgia, humanitarianism in the form of providing a new life for unfortunates in debtor's prison, mixed with a desire for protection of the other Colonies from the Spaniards, were the motivating forces. These diversities were magnified, rather than diminished, under the influence of differences in geography and climate, after the Colonies achieved a foothold. The political structure of each colony developed in accordance with the needs of the particular colony, and the differences were carried over into the State governments when the Colonies became free. This political accommodation of diverse interests and purposes was the key to the success of the English colonial system, and the benefits of it were not lost on the politically sophisticated Americans of the Revolutionary period.

The emergence of federalism as a byproduct of historical occurrences, rather than as a designed institution to achieve a political end, does not detract from its potential as a worthy political device, but, indeed, accentuates its usefulness. In the absence of federalism, successful republican government is limited to areas in which there is substantial identity for geographical, climatical, and historical influences, for republicanism places the ultimate rule in the hands of some majority to the modified and limited dictates of which the minorities must conform. By the use of federalism, the need to require minorities to conform is minimized, thereby promoting individualism, and in individualism lies the seed of diversity.

One but need look to Europe for examples of the limited possibilities of republicanism without federalism. Republics in small geographic confines exhibit the greatest stability, as exemplified by Switzerland, the Netherlands, Belgium, and the Scandanavian countries. The French Republic, applied to a larger area and more diverse peoples, fluctuates between instability and absolutism, each occurring in turn as a reaction to the other. The British Empire, employing federalism in the form of dominionship and commonwealth devices, presents a graphic illustration of the possibilities of federalism grafted on colonialism.

If republicanism is the process for implementing self-government, federalism is the process for implementing local self-government. Local self-government is beneficial not only because it permits individualism, but also because of its contributions to the continuation of self-government at all levels. It is human nature for a person to be most apathetic about situations over which his individual conduct has the least influence. A citizen is therefore less motiviated to exert himself in matters of government in which his activity plays a smaller relative part. The same citizen is much more inclined to direct his influence to the solution of a local matter where his activity shows the most direct result. In the local political arena, where there is a local political arena, the citizen acquires the experience and sophistication with which to exercise his obligations of citizenship in relation to the furtherest removed level of government.

It is in local self-government, a product of federalism, that the real secret of domestic tranquillity lies. In no other way can the variances of human conduct be reasonably bounded, for requiring conformity over broad areas will inevitably lead to civil strife. For instance, a prohibition of gambling over the entire United States would conform to the will of the majority, in all probability, but there is a strong likelihood that it would promote civil strife in some areas, such as Nevada. Strict nationwide regulation of fishing might be only an inconvenience to recreation in some areas of the country, but would possibly impair the earning of a livelihood in others. A change in the legal relationship of an inn or hotel keeper and the guests would have a limited impact in the rural Midwest, but might change the pattern of economic existence in some resort States. Through the medium of local self-government, the laws can be adapted to whatever conditions exist, thus keeping civil strife at a minimum.

Although circumstances dictated that the Government of the United States be federal, it remained for the delegates to the Philadelphia Convention to shape the form of the federation. So ineffectual was the Central Government under the Articles of Confederation that for all practical purposes the several States, at the time of the Convention, each exercised the total powers of sovereignty.

Sovereignty was vested in the people of each State, and the people of the individual States had vested the power of sovereignty in their particular State. Through the Constitution the several States delegated certain specific ones of the powers of sovereignty to the National Government. This creation of a common agent of the States in no way affected the retention of sovereignty by the people of each State, for sovereignty is indivisible, and the creation of the General Government could not make the people of all the States collectively sovereign in some matters, and leave the people of one State sovereign in others. It was the power of sovereignty, and not sovereignty itself, that was delegated to the National Government; and the delegation of powers was made by each State—a sort of subleasing—and was not a delegation by the people of the several States collectively. The ratification of the Constitution did not accomplish a withdrawal of powers from each State by its own people and a revesting of those powers in a new government. Two facts are therefore explicit in our constitutional government. First, the National Government was and is a creation of the States, and as such is an agent of the States. Second, sovereignty in our country rests totally in the people of the individual States, rather than in the people of the United States collectively.

The National Government holds the right to exercise the specific powers delegated to it, not by virtue of any power of sovereignty vested directly from a people, but by virtue of a contract between the States. The specific powers delegated cannot be withdrawn by an individual State because of the agreement with the other States embodied in the Constitution. The contract can be changed only by the contracting parties—the States; and by agreement, most features of the contract can be changed with the consent of less than all the States. Nothing illustrates better and more emphatically that the National Government is a creation of the States, rather than of the people, than the fact that the Constitution can be amended by the States through their legislatures, and not by the people themselves. The equal representation of the States in the Senate is not, of course, subject to the amendment process; and any change in this feature would require unanimous consent of the States and, indeed, any change without unanimous consent would have the effect of dissolving the Union.

As complicated as these relations may seem to the contemporary citizen of the United States, they were elementary to the citizens at the time of the Constitution's adoption. Indeed, they were so fundamental in the minds of the delegates to the Constitutional Convention that they saw no need to specifically spell out all of them. By the mere delegation of certain specific powers to the National Government, the delegates considered it implicit in the whole document that those powers not delegated remained where they had been theretofore. To the people of their era, it was abundantly clear that the National Government was intended to exercise only those powers delegated, but it is most fortunate for those in later generations that many insisted that the matter not be left to conjecture. Perhaps these wise persons anticipated the tremendous upsurge of apathy that was to occur in later generations. The inclusion of the 10th amendment removed any doubt as to the nature of the powers of the National Government, and the relationship of the National Government to the States and to the people. The 10th amendment provides:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

The 10th amendment did more than spell out that the National Government was to be one of limited powers, although it accomplishes that purpose. It also provides an insight into the relation of the States to the National Government and of the National Government to the people of each State. The powers not delegated were not reserved to the States collectively, but to each individually. The retained powers of sovereignty of each State were not in any way compromised by the Constitution. There was no pledge to achieve uniformity, nor even to strive for it, in the administration of the reserved powers. There was not even a pledge of the States to exercise all of the reserved powers in any way at all. The States individually, had received their grant of sovereign powers from the people of the State through the State constitution, some States receiving more, and some less, powers. In each instance, the people reserved the right to themselves to modify or change the powers granted to the State, and the 10th amendment recognized this fact by the verbiage "or to the people." The reservation of power was not to the people of the entire country, but to those in each State. The people in the territories were people of the country, but not being within a particular State, were not among the group who had granted power to a State in the original instance, and were not, therefore, among those to whom powers were reserved.

The Constitution did not create the General Government as a supreme one, but as one parallel to the State governments. It is a fallacy to assume that with regard to the delegated powers, the right of the National Government to regulate is exclusive, for it was not so intended. As a practical necessity, a direct conflict between the exercise of delegated powers by the National Government, and an exercise of powers by a State in the same field, must be resolved in favor of the exercise by the National Government; or else the original delegation could be nullified by the action of a State. In the absence of such a direct conflict, however, the only consistent interpretation of the Constitution is to acknowledge in the States a power to act in the same fields as those in which powers were delegated to the National Government. In those matters where exclusive power was intended for the National Government, the Constitution specifically prohibits State action. It is not the general exercise of powers by the States that is prohibited, however, but only specific actions. Not only the substantive provisions of the Constitution attest to this intention, but also the form and order of the Constitution. The principal delegations of powers to the General Government appear in section 8 of article I. In section 9 of the same article, the powers delegated are limited by certain specific prohibitions against the National Government in the exercise of those powers delegated. In section 10 of the same article, there is an enumeration of prohibitions of those State actions which would obtain such exclusiveness in the exercise of delegated powers by the General Government as was deemed necessary. The exercise of powers by a State were restricted by the Constitution, then, in only two instances: First, when the State action is in direct conflict with an action of the National Government taken pursuant to a delegated power; and, second, when such action by the State is specifically prohibited by the Constitution. From this it is clear that the States did not necessarily surrender their power to act in fields in which power was delegated to the National Government.

The prohibitions against State action are not nearly so broad as even those limited powers delegated to the National Government, as readily appears from the provisions of section 10, article I, which is as follows:

> SEC. 10. No State shall enter into any treaty, alliance, or confederation; grant letters of mark and reprisal; coin money; emit bills of credit; make anything but gold and silver coined a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.
>
> No State shall without consent of (the) Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of (the) Congress.
>
> No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

In addition to the deprivation of sovereign powers of the States that accrues through these prohibitions of State action and the requirement of consistency with actions of the National Government taken under the delegated powers, the States incurred additional obligations under the Constitution through provisions regulating certain mutual relations among the States themselves. These provisions are contained in article IV, sections 1 and 2. Section 1 provides that each State shall give full faith and credit to the public acts, records, and judicial proceedings of every other State. Congress is appointed as the arbitrator of this agreement, and is authorized to prescribe the manner in which such acts,

records, and proceedings must be presented in order to qualify for the agreed status. In section 2, each State agreed to extend the privileges and immunities enjoyed by its own citizens to the citizens of the other States. Each State also agreed to extradite escaped criminals to the State from which they escaped upon demand by such State. The third agreement in this section, which bound each State to refrain from freeing slaves escaping into it from another, became irrelevant when slavery was abolished. The National Government is in no way concerned with the provisions of section 2, compliance being left to the good faith of each State, and to the advantage of reciprocal treatment which inure from strict observance of the agreement. The provisions of section 2 also serve as irrebuttable evidence as to the nature of the Constitution as a compact or treaty between sovereign States.

The sovereign powers of the several States were thus impaired by the Constitution in three ways: By the delegation of certain powers to the General Government, by mutual agreement to the prohibitions of specific State actions, and by agreement to four items of reciprocal conduct. Although these three areas contain the total impairment to State action embodied in the original Constitution, there is one remaining provision which restricts not the power of a State, but the sovereignty of the people of each State. This provision is contained in section 4 of article IV, and provides that the United States shall guarantee to each State a republican form of government. Despite the fact that prior to the adoption of the Constitution, each State did in fact have a republican form of government, the people of each State, being completely sovereign—and they remain so today except in this one instance—had the power to establish any form of government they desired, including a monarchy, a dictatorship, or, if they saw fit, a pure democracy. This power of sovereignty was surrendered by the people of each State upon the adoption of the Constitution. From a practical standpoint this surrender of sovereignty was and is inconsequential, for in no State have the people shown a disposition to deviate from a republican form. Realization of the full implications of this provision should serve as a refreshing reminder, however, that the pure "democracy," on the tenets of which so many of the radical proposals of the current age are based, is as foreign to our Government in the United States as are any of the hated "isms."

In any attempt to define the expanse of powers of each State which remain unimpaired by the compact of the States in 1788, it is necessary to reckon, not only with the provisions of the Constitution, but also with the fact that the people of each State are the source of sovereignty, both of those powers delegated by the States to the National Government, and of those reserved to themselves by the States. Of those delegated, any substantive power is subject to the sovereignty of the people of the several States, and through the prescribed method of amendment may be expanded, altered, returned to the several States, or revoked altogether. Except for those powers delegated to the National Government and those actions prohibited to the States, the several States retain all other powers exclusively, with one limitation—the total powers of sovereignty, at the will of the people, may be withheld from the State. Although subject to the same external limitations, the powers of one State may substantially exceed those of another State whose people have seen fit not to vest certain of the powers of sovereignty in any government. Such a limitation by the people on their State government would be embodied in a State constitution. The term "reserved powers of the States," therefore, refers to those powers of sovereignty which may be granted to a State by the people, and exercised by the State without conflict with the U.S. Constitution.

While enumeration of the powers of the National Government requires only a quick reference to the Constitution, where they are fully listed, the reserved powers of the several States are so broad as to defy enumeration. Any definitive approach to the State powers must necessarily be from the standpoint of what they are not, although we can list almost without end powers that are included among State powers.

By almost any definition, the police power encompasses a broader range of State actions than any other of those reserved. Under some definitions, it is almost synonymous with the entire scope of reserve powers, being in no way restricted to the realm of criminal law. For instance, in *Sweet* v. *Rechel*, 159 U.S. 380, p. 398, the U.S. Supreme Court—by no means a defender of State powers—referred with approval to a reference to the police power as—

> The power vested in the [State] legislature by the Constitution to make, ordain, and establish all manner of wholesome and reasonable laws, statutes, and ordinances, either with penalties or without, not repugnant to the Constitution as they shall judge to be for the good and welfare of the commonwealth and of the subjects of the same.

And from the same source, as expounded in *The License Cases*, 5 Howard 504, p. 599, comes this comment on police powers:

> The assumption is that the police power was not touched by the Constitution but left to the States as the Constitution found it. This is admitted; and whenever a thing, from character or condition, is of a description to be regulated by that power in the State, then the regulation may be made by the State, and Congress cannot interfere.

These definitions of police power are broad enough to encompass the majority of reserved powers, and attest to the intention of the Constitution to implement federalism in substance, as well as in form.

At a minimum, the police power includes the right to take such actions as seem necessary to protect life and liberty. Since life and liberty—and the latter necessarily includes property—are of the primary importance to society, laws made to protect them must take precedence over those of secondary importance.

Under the broader definitions, police power would include the right to take action in the field of social conduct and welfare; but whether within the police power or without, there can be no question that such actions are within the scope of reserved powers of the State. No authority whatsoever is delegated to the National Government in this area. Through this reservation, one of the most beneficial applications of federalism is obtained. In no other field is there more variance from State to State than in the field of welfare needs and desires for governmental action by the people. Indeed, there is even nothing static about the variance from State to State, for even within a single State, the needs and desires of the people in this area fluctuate substantially with time. Laws designed at the national level to meet the maximum need in one locality would be highly wasteful in most areas, as well as distasteful; and one designed to meet the average need—if such there be—would be too little in one area, and too much in another. The exercise of this power by the States, rather than by the National Government, makes it possible to fit the remedy of governmental actior to the specific need, without either squandering the resources of the citizenry or encouraging slough in areas where governmental action is unneeded.

Mr. President, among the powers reserved to the States, none is more important than the regulation of the public educational system. It is in the educational process that lies the control of the minds of men, and no easier path to despotic power exists than the one available in a power to shape and mold the thinking patterns of immature minds. So inherently dangerous is this awesome power, that it would be unthinkable to trust any one human or group of humans with its totality. The individual liberty of all posterity depends on the diversification of the power to control education. Under the federated republican constitutional government prescribed for the United States, the control of education is dispersed at least to the level of the several States; even slight prudence dictates that it be dispersed even further to the hands of purely local authority. Americans should never forget examples of the establishment and perpetuation of totalitarian regimes in Germany and Italy, with the brainwashed consent of those subjected to the influence of an educational system in the control of a centralized power.

Although these are but a few of the many powers reserved to the States, they serve to illustrate that the total powers reserved are formidable, and constitute a broader jurisdiction by far than that comprised of the powers delegated to the National Government. It was the intention of the Constitution that neither the National Government nor the State governments be supreme. Each was to be supreme in its own realm, the two to operate on a parallel, with each accomplishing the tasks of government for which it was best suited. Strict limitations on jurisdiction were imposed on the

General Government, whose influence extended over the breadth of the country, while residual jurisdiction was reserved to the several States, whose influence was bounded by the geographic limitations of State boundaries. The total power of sovereignty was thereby dispersed among the 14 governments—13 State governments and 1 central one—at the time when the Constitution was adopted. The plan of decentralization permitted growth of the Nation without any weighting of the scales toward centralization. As a result, the total powers of sovereignty are now dispersed among 51 governments. No new power accrued to the National Government with the admission of new States, although its powers were thereby extended geographically.

Mr. President, despite the absence of any delegation of additional powers to the General Government, or of any consequential new prohibitions against State actions, the balance between the powers of the National Government, on the one hand, and those of the States, on the other, has tipped heavily in favor of the former. Almost from the beginning, events and practices have worked for a dimunition of State authority; and what began as a slow, almost imperceptible process, has now snowballed into such proportions that the whole concept of federalism is threatened with extinction. Once wholly autonomous States now appear doomed to conversion into mere subdivisions of an all-powerful centralized government, with the host of individual liberties, which flourished under the umbrella of the parallel governments of federalism, being squeezed to death in the formation of the triangle of pyramidal government with the top at Washington. So strong is the wave of centralization, that only a completely awakened and alarmed public can turn the tide.

Unfortunately, Mr. President, some of the most adaptable tools for the maintenance of federalism and States rights, designed for our use and protection by the authors of the Constitution, have been lost in the intervening years.

In this era, liberty is challenged worldwide on a scale unprecedented. We find ourselves in a position of leadership of the free world, not primarily because of our material wealth, but because our political structure has permitted and encouraged the individual freedom of thought and action which promotes diversity in the form of independent initiative, which, in turn, has permitted our great material rewards.

Let us not strike at the root of our success; let us, rather, recultivate and revere the sound and timeless fundamental concepts which are interwoven in such careful balance into our Constitution and the political structure thereby established. The literacy-test proposal provides the Senate with a unique opportunity to provide a hallmark of renewed respect for an adherence to the principles which make the Constitution of the United States a truly great and timeless document. No better hallmark of quality and stature could be inscribed by the Senate than that which would inure from the overwhelming rejection by the Senate of the literacy-test proposal.

Mr. STENNIS. Mr. President, will the Senator yield to me for a few questions?

Mr. THURMOND. I am pleased to yield to the distinguished Senator from Mississippi.

Mr. STENNIS. I commend the Senator from South Carolina for a very powerful and fine exposition of our system of government and the philosophy which underlies it and the fundamental principles which are involved.

Mr. THURMOND. I thank the Senator.

Mr. STENNIS. This question involves a very grave and serious constitutional question, as the Senator has said. I wish to put to him a series of questions along this line.

It is true, is it not, that when an individual citizen violates a provision of the Constitution, of course there is a remedy in the courts, and that remedy is usually applied, and if any wrong has been done, there is a redress. That is a common, ordinary experience under our form of government. Is that correct?

Mr. THURMOND. The Senator is eminently correct.

Mr. STENNIS. When a State, by the use of its powers, transgresses a provision of the Constitution or violates it in any way, there is a forum—which is the courts, of course—in which to redress that wrong or that grievance, whatever it may be. A remedy is provided there, and the remedy is used in restraint of the wrong, or the wrong is made right. Is that not correct?

Mr. THURMOND. The Senator from South Carolina concurs wholeheartedly with the statement of the distinguished Senator from Mississippi.

Mr. STENNIS. On the other hand, as a responsible branch of our form of government, if we exceed our authority and thereby violate the Constitution of the United States, particularly by such a provision as is reflected by the bill before us, as a practical matter, when the legislative branch of government runs over its authority or exceeds it, it very frequently turns out that there is no remedy and the Constitution is no further protection. Has not that been shown by experience?

Mr. THURMOND. I think the history of our Government would show that to be true.

Mr. STENNIS. There is a presumption in favor of a legislative act when it goes before the courts. If we pass a bill that goes clearly beyond the powers we have here, nevertheless, when it goes before the courts, according to the precedents, there is a presumption in favor of its validity. Is that not true of the bill before us? The Senator from South Carolina is an able and experienced lawyer.

Mr. THURMOND. The Senator from Mississippi was an able judge of the State of Mississippi, and he has expounded a legal principle which has been accepted in all legal fraternities and in the courts. Namely, that there is a strong presumption that an act passed by the Congress of the United States is constitutional. As a matter of fact, not once since 1936 has the Supreme Court held any act of Congress invalid simply because it exceeded the scope of power delegated to the Congress.

Mr. STENNIS. That puts the burden directly on our shoulders, and there is a direct moral responsibility on us, under our oaths, to give personal attention and judgment as to whether or not a proposed measure comes within the powers delegated to Congress—by the Constitution itself, which is all the power Congress has. Is not that duty particularly binding on us with reference to questions of the kind now presented?

Mr. THURMOND. The Senator from South Carolina feels that it is just as much the duty of a Senator to pass on the constitutionality of any proposal presented to Congress as it is the duty of the Supreme Court to pass judgment when the constitutionality of an act is challenged. In fact, the Senator from South Carolina has made it a policy, in voting on legislation, to adopt the criterion of asking himself three questions. First, is the proposal under consideration constitutional? Second, is it wise? Third, can we afford it?

The first criterion, constitutionality, should be the prime factor to be considered by a Senator when he votes on any measure coming before this body. Congress exercises the primary responsibility in this respect.

Mr. STENNIS. I heartily agree with the Senator. Is it true, from what the Senator has said, that a Senator can exercise his responsibility as a trustee for the people, under the constitutional powers, by merely saying, "Well, we will let the courts pass on it. We will let the courts decide this issue"? Does he not miss the total purpose of carrying out his responsibility if he does so?

Mr. THURMOND. The Senator from South Carolina feels that Senators are abdicating their sworn responsibilities when they take such an attitude. Most of the Senators in this body are lawyers, and I think there is a double responsibility on those who are lawyers. I think there is a full responsibility on every Senator to learn the Constitution, whether he is a lawyer or not. There is a binding duty on him to study proposals before the Senate and determine whether, in his judgment, they are constitutional.

The point has been made that thousands of people are being deprived of their right to vote and that the provisions of the 15th amendment provide redress for these alleged wrongs. It is said that Congress should pass this bill in line with that amendment, in order to give them protection. But I think it has been overlooked that the 17th amendment, which is, of course, a later amendment than the 15th amendment, not only provided that the Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years, but it also contained wording, identical with the original wording of article I, section 2 of the Constitution, which states:

* * * the Electors in each State shall have the Qualifications requisite for Electors of the

most numerous Branch of the State Legislature.

I do not personally think there is a conflict, but if there should be a conflict, the later amendment would take precedence.

Mr. STENNIS. I thank the Senator for his explanation. I wish to ask him one more question on the philosophy of government.

Of course, before Senators take their oaths of office they are not permitted to sit in the Chamber and to cast votes. The oath we take is to defend the Constitution. That does not mean to defend it only against outside enemies, or only against enemies, as the word is used, from within. Do we not take an oath that we will defend the Constitution against encroachments of any kind, even our own? We will not encroach upon its powers. We will not encroach upon reserved powers. We will not try to extend power which is not possessed according to the provisions of the Constitution.

Is that not the hard core of the oath, as much as to defend the Constitution from enemies, as we ordinarily understand the term?

Mr. THURMOND. The Senator is absolutely correct. If we do not defend and adhere to it, our Constitution will be a meaningless document. The powers retained by the States are subject to be taken from them and centralized in Washington. This will tear down the Constitution which we took an oath to uphold and to defend.

Mr. STENNIS. I thank the Senator again. Again I commend the Senator for a very fine speech.

Mr. THURMOND. I thank the able Senator for his remarks.

BUSINESS AND GOVERNMENT

Mr. MORSE. Mr. President, I wish to speak briefly on three unrelated subjects. This morning there were published in the Washington Post and Times Herald two outstanding editorials. I shall make brief comments on each.

I refer first to the editorial on "Business and Government," which I ask unanimous consent to have printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER (Mr. SMITH of Massachusetts in the chair). Is there objection?

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BUSINESS AND GOVERNMENT

President Kennedy's address to the U.S. Chamber of Commerce yesterday is an admirable statement of national economic purpose which every interest in the country should be able to endorse. It would be hard to state more succinctly the essence of our national economic goals. Surely all of us are interested, as the President is interested in "an economy which will be strong enough to absorb the potential of a rapidly expanding population, steady enough to avert the wide swings which bring grief to so many of our people, and noninflationary enough to persuade investors that this country holds a steady promise of growth and stability."

The President's blunt statement that the Government does not want "the added burden of determining individual prices for individual products" ought to clear the air of many misconceptions. It is a statement that was needed to exorcise some of the ghosts and hobgoblins that have been frightening the commercial community since the steel crisis.

The situation required more than mere words and the President fortunately was able to offer the chamber of commerce meeting more than a profession of mutual interests and more than a verbal disavowal of governmental hostility imputed to the administration. The profession of a belief in the legitimate profits of business was helpful; but the catalog of executive and legislative devices for improving the predicament of business enterprise was even more useful. When put together in this manner, this list is certainly impressive.

The President's discussion of amended depreciation schedules was especially timely. There is not much doubt about economic utility of such revisions of taxing policy; but the President correctly put his finger on the costs in terms of tax revenue. His defense of the investment credit was, if anything, conservatively stated and might have been even more optimistically put, but perhaps caution in setting out its advantages was warranted. In such devices as this, however, it surely is safe to count upon a multiplier effect not always present in general tax cuts or broad public spending.

There was in the President's remarks an appropriate emphasis upon the fact that governmental policy, however sound, will not effect even wisely conceived economic goals if they are not attended in the last analysis by the right "private decisions by private individuals."

Government that lives within the philosophy which the President expounded on Monday will create the atmosphere of "understanding and cooperation" of which the President spoke. If the political instincts of American commercial enterprise are as sound as the economic instincts of the governmental establishment, as expounded on Monday, the country can move forward toward a sounder and swifter economic growth that will provide fuller employment, greater production, larger exports, and a sounder prosperity.

Mr. MORSE. Mr. President, the lead sentence reads:

President Kennedy's address to the U.S. Chamber of Commerce yesterday is an admirable statement of national economic purpose which every interest in the country should be able to endorse.

The President's speech yesterday was characteristic of his noble statesmanship. It was a very interesting speech given before a group, some representatives of which, in my judgment, have most unfairly attacked—yes, abused—the President in recent days, since his demonstration of great courage in the carrying out of his statesmanship obligation at the time of the unwarranted and unjustifiable proposal for an increase in steel prices in this country.

I say to the members of the U.S. Chamber of Commerce who share the point of view of the propaganda attack on the President of the United States which has been issued from time to time by the representatives of that organization, that it is not to their credit. It happens to be a responsibility of the President of the United States to give to all the people of this country the quality of leadership which he gave when Mr. Blough proposed to exploit the consumers of America by that shocking proposal for a steel price increase, knowing full well it would let loose the fires of inflation across this country, which would consume much of the economy as a prairie fire consumes dry grass. The fact that the proposed increase would have cost the taxpayers an extra $1 billion in defense costs alone makes a mockery of the contention that it is Federal spending, and not the proposed steel price increase, that is responsible for any threatened inflation.

When powerful business organizations—as I believe with respect to powerful labor organizations—follow a course of action which in effect exploits the consumers of this country, it is the duty of a President of the United States to exercise the great powers and educational force of his office to warn the parties and to warn the people of the Nation as to what is being proposed. It is also his responsibility to protect the taxpayers' interest as consumers, for the Federal Government is one of the greatest consumers of steel.

I was proud of the courage and of the statesmanship of the President of the United States when he made perfectly clear what Mr. Blough and the other steel executives of this country were proposing. Great as his action was, he did not act alone, for there spread across this country a wave of resentment on the part of the small businessmen of America, the small manufacturers of America, who all know what the resort to privateering on the part of these great and powerful steel monopolies of this country meant to the free economy of this Nation.

So I rise to salute the President of the United States and to explain to the members of the U.S. Chamber of Commerce, while they are in convention assembled in Washington, D.C., my great disappointment that they did not give to the President of the United States the backing to which he was entitled immediately when he did exactly what he should have done in pointing out the unconscionable economic thievery proposed on the part of the steel combine in this country.

I know something about the steel industry, because I was one of the four who wrote the steel decision of 1942, when, even in the midst of a war, the selfishness of the steel industry, had it had its way, would have exploited the economy of this country. We stopped them then under the war powers, backed up by a great Commander in Chief, Franklin Delano Roosevelt.

I have followed the steel industry ever since I participated in the writing of the decision in 1942, and in my judgment, Mr. President, there is no question about what the conditions were. There has never been an increase in labor costs in the steel industry in this country since 1942 in respect to which the steel companies have not tried to increase—and usually succeeded in increasing—the price three to four times more than they needed to increase it in order to take care of the additional production cost caused by an increase in labor cost.

This is an old alibi of the steel companies. When free labor, exercising the precious right of liberty in this country through collective bargaining, negotiates an increase in wages, the pattern of the

steel companies is to follow with an increase in prices three to four times the amount of money necessary to take care of the increase in labor costs.

Whenever selfish greed and economic exploitation takes over a union in this country in a national emergency dispute, and threatens to take advantage of both business and the consuming public, the President of the United States should step in and say to it that avarice from the labor sector is to be met head on by the President. Thus I have offered in this body time after time the Morse proposal for the handling of emergency disputes in so-called emergency cases. I have been unsuccessful in respect to getting it passed, but, Mr. President, it is proposed legislation which recognizes the obligation of the President of the United States to step in to help protect a free economy from exploiters.

I do not share the propaganda of the U.S. Chamber of Commerce and of the National Association of Manufacturers and of other reactionary economic groups in this country, which would have the President of the United States be a figurehead when the consumers of America are being taken advantage of, I care not what the selfish group may be.

So I salute the President of the United States for his courage, for both his political and his industrial statesmanship, and I congratulate him on the speech he made before the U.S. Chamber of Commerce yesterday which not only warrants the fine editorial written about him in this morning's Washington Post and Times Herald, but also makes plain that the President faced his critics, stood his ground, and made perfectly clear that he does not function as the president of the U.S. Chamber of Commerce, but that he keeps his trust under his oath as President of all the people of the United States.

Mr. President, in this morning's issue of the Washington Post, appeared an editorial entitled "Law in Place of Force," upon which I wish to comment briefly. I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LAW IN PLACE OF FORCE

Law Day, which is expected to generate more than 100,000 programs throughout the Nation today, is an expression of the almost universal yearning for an orderly world. The idea of emphasizing the role of law in the promotion of world peace, in contrast to the Communist displays of military might on May 1, originated with the American Bar Association 5 years ago when Washington Attorney Charles S. Rhyne was its president. Today, the occasion is especially significant because the systematic movement to substitute law for force in the settlement of human disputes has become worldwide.

Mr. Rhyne and his ABA committee have, in the last 10 months, brought together more than 10,000 lawyers from 109 countries into 4 continental conferences in search of ways and means of developing world law. The eager participation of statesmen, diplomats, judges, professors, experts in international law, and eminent lawyers is ample proof of serious intent. While the results of the continental conferences in San Jose, Tokyo, Lagos, and Rome are not yet accurately measurable, the mere mobilization of legal thinking on a problem of this magnitude is a notable achievement.

Foremost among the facts that these conferences have highlighted is the present paucity of world law. Except for the law of the sea, diplomatic immunity and the Postal Convention, there are no universal laws. In the face of national armed forces capable of virtually destroying mankind, the machinery for making world law is pathetically cumbersome and faltering. Even some of the widely respected instruments for judicial settlement of international disputes, such as the World Court, are little used.

The lawyers who have gone to work on these problems in virtually every country are not laboring under the illusion that they can suddenly displace the grim realities of atomic power by setting up courts of justice. But they have found many areas in which the orderly adjustment of differences can contribute to the cause of peace. Their influence is being used to help strengthen regional organizations, the United Nations and the World Court. Noting the success of the European Court of Justice in settling more than 100 disputes, they are campaigning for the creation of regional courts for the Americas, Asia, and Africa.

Some groups are working for the ratification of regional treaties that have too long been neglected by national governments. Others are giving a boost to the European Common Market and similar hopeful projects. An attempt is being made to codify international law to make it more useful and meaningful. Next year a World Law Conference will be held in New Delhi to center attention in a still more dramatic way upon the need for expansion of international law and creation of agencies to make it effective. Agreement has also been reached to create a World Law Center, which would foster research in international law and serve as a clearinghouse for information in this field.

Sponsors of this hopeful movement recognize that it is still in its infancy. Its significance lies in the fact that lawyers are at last recognizing their global responsibility. Certainly their aim of enabling men to walk in freedom, in dignity and in peace anywhere on earth should enlist the support of every thoughtful member of the profession.

Mr. MORSE. The first two sentences read as follows:

Law Day, which is expected to generate more than 100,000 programs throughout the Nation today, is an expression of the almost universal yearning for an orderly world. The idea of emphasizing the role of law in the promotion of world peace, in contrast to the Communist displays of military might on May 1, originated with the American Bar Association 5 years ago when Washington Attorney Charles S. Rhyne was its president.

I extend my congratulations and compliments to Mr. Rhyne. He has been one of the great leaders in our country in recent years who have been seeking to help to lead the American people to an understanding of a great goal that we must approach and finally reach if we are to leave a heritage of peace and freedom to future generations of American boys and girls.

I have been very much interested in and closely identified with that movement for a rule of law ever since I first came to the Senate in 1945. I pay my tribute to the great legal organization known as the American Bar Association, because in 1945 the International Law Committee of the American Bar Association sought to have submitted in the Senate a resolution which would commit the United States to the compulsory jurisdiction of the World Court.

The man who undoubtedly influenced me in the field of foreign policy more than any other American was my mentor in those days. I refer to the late great Arthur Vandenberg, of Michigan. I talked with Senator Vandenberg about the American Bar Association resolution, and he advised me to make myself available to and work with that committee on the resolution, which I did for a period of several weeks.

We were joined by other international law groups. We were joined by international law committees of great organizations, such as the organization within the Catholic Church of the United States, a similar organization among the Protestant churches, and a group of Quakers who were working on the subject. On this Law Day, to which the Washington Post refers in its editorial this morning, I believe it is apropos and fitting that I should pay tribute to the work of those pioneers who, as recently as 1945, had the foresight to urge that the United States pledge itself to the rule of law in the settlement of international disputes by way of accepting the compulsory jurisdiction of the World Court in any dispute in which the opposing country was willing to accede to the decision of the court along with us.

The fight that resulted was rather dramatic. There were powerful forces at work that sought to prevent the resolution from ever reaching a vote on the floor of the Senate. I think those forces were quite surprised that I was ever able to get the resolution out of the Committee on Foreign Relations.

I remember very well the wonderful assistance I received not only from Arthur Vandenberg, but from the chairman of the subcommittee of the Committee on Foreign Relations at the time, the incomparable Senator Thomas, of Utah. We got the resolution through the subcommittee, and, with the assistance of Arthur Vandenberg, we got the measure through the full committee. It was placed on the calendar of the Senate. But for weeks it was impossible to have the measure scheduled for debate in the Senate.

It soon became clear that the leadership of the Senate had no intention of letting the resolution come to debate at that session of the Senate.

So day after day, sitting on the other side of the aisle, I would wait until the pending business was finished, and then I would seek to be recognized so that I could submit the resolution. But even though I can speak so that I can be heard, and even though I can rise in my place with some rapidity, for weeks the Presiding Officer of the Senate, whoever he might have been, never seemed to be able to see me or hear me until after some other business was taken up on the floor of the Senate.

As is still the practice, too frequently, apparently contrary to the rules of the Senate, there was kept at the desk a list of speakers to be recognized in the order shown by the list, and not in the order in which Senators sought recognition from the Chair.

Senator Vandenberg was very good natured about the situation. He explained to me the strategy that was taking place. He said, "The feeling seems to be that we should not put the measure to a vote this year."

One day a Senator whose name headed the speaker's list at the desk happened to be in the Republican cloakroom when the pending business was finished. The Presiding Officer, following the list and not recognizing other Senators seeking to be recognized—and the senior Senator from Oregon, who was then the junior Senator from Oregon, was one of those seeking to be recognized—recognized a Senator who was not asking to be recognized but was in the cloakroom.

Apparently my emphatic request for recognition rattled the Presiding Officer, and I think by reflex I was recognized. I immediately moved to consider my resolution to accept compulsory jurisdiction of the World Court. I was descended upon from all sides in the Senate. Vandenberg was particularly amused by the situation.

The absence of a quorum was suggested. During the quorum call persuasion was tried upon me, but Senators doing so discovered that although I had been in the Senate only a few months, when I do not want to be persuaded, because I think persuaders are wrong, I cannot be persuaded.

So the Senate recessed for the night.

To my embarrassment, the next morning Arthur Vandenberg came to my office.

I said, "If you wanted to see me, why in the world did you not tell me? I would have come to your office."

He said, "I want to talk to you alone. Your resolution is to be laid on the table today. I do not want to see that happen. I am for your resolution. I have come to tell you that I think you ought to arrive at some agreement with the leadership to bring up the resolution some time next year."

I said, "No; I owe too much to the American Bar Association committee. I owe too much to the committees and wonderful church groups that have worked with me over the weeks on this resolution. I will not agree to that course, for, Arthur, a vote to lay my resolution on the table will be a vote for or against the resolution. Just help me get a rollcall vote.

"Well," he said, "one of the arguments being made against you is that Jimmy Byrnes,"—he was then our Secretary of State—"is participating in a meeting in Paris at an international conference of foreign ministers, and the argument is that it would embarrass him at that meeting."

I said, "Arthur, I don't want to embarrass him. However, if you will see that I am recognized when the Senate meets at noon, my first argument will be to read into the RECORD a cablegram which I have received from the Secretary of State this morning, from Paris, urging the immediate passage of my resolution as an aid to him at Paris."

Vandenberg said, "Let me see it."

I showed it to him. I will never forget this. He almost pulled me out of my office, as he took me to the office of the majority leader. He had the majority leader call in the leaders of the Senate, and he served notice on the majority leader that he wanted him to know that from then on he was with me.

Mr. President, Senators who will review the great debate that followed will discover that one of the greatest disputes in support of my resolution was made by Arthur Vandenberg. I wish the ending were happier. It will be recalled that when it was clear that there would be great support for the resolution, which sought to take us a long way down the road to the goal of using the rule of law for the settlement of issues that threatened the peace of the world, the Connally reservation was offered.

The Connally reservation, as we all know, is a reservation which provides that in any dispute the United States shall retain the right to determine whether the issue is a domestic issue. I have always said, and I believe it is apropos that I say it on this day, Law Day, that the Connally resolution as a matter of international law never could have the effect that many in the Senate who voted for it thought it would have.

The Connally reservation in no way takes away from the World Court its jurisdiction to determine jurisdiction. If, in fact, an issue is an international law issue, no reservation by the United States to repeal international law, by refusing to grant jurisdiction on the ground the United States finds an issue to be a domestic issue, would control or prevail before the World Court.

I have made this argument before. I made it in opposition to the Connally reservation in 1945. There is no doubt about the fact that the Connally reservation has muddied the waters, so to speak, in that it gives an excuse to another country which may be a party litigant in a case to develop an uncooperative attitude in regard to the matter.

Therefore I have always stood for the repeal of the Connally reservation. We have been unsuccessful in getting the question to the floor of the Senate for a vote.

As various law groups across the Nation meet on this Law Day, to the number of 100,000, according to the Washington Post, in support of the ideal and at the same time the great practicality of the substitution of the rule of law for the jungle law of force, in seeking to attain permanent peace in the world, it is important, in my judgment, that someone in the Senate raise the issue of the Connally reservation.

We ought to get the situation cleared up. We ought to make it clear to the world that the United States believes in and is ready to practice the rule of law for the settlement of international law disputes that threaten the peace of the world. We ought to eliminate the Connally reservation now, this year. I respectfully point out that as long as we duck the issue—and I use the colloquialism advisedly, for the Senate is ducking the issue, and I will prove it in a moment—we raise doubts around the world as to our good faith.

There are doubts about our good faith. Come with me to New Delhi, India, Mr. President, as a representative of the Senate, as I was in 1957 as chairman of the congressional committee to the Commonwealth Conference, and speak about the rule of law as I did, and answer, if you can, Mr. President, the rebuttal arguments thrown at you, "Mr. Senator, what is the justification for the Connally reservation?"

Well, I was the proper person to be asked that question, because the record of that Conference will show that I said there is no justification for it. In my judgment the Senate has not lived up to its responsibilities in keeping faith with its professings about advocating the rule of law.

I said a minute ago that the Senate is ducking the issue. There is no question that a majority of the Foreign Relations Committee a year ago were on record in support of the repeal of the Connally reservation, but a majority were not in support of voting to report their opinion to the Senate. Why? The American people are entitled to know the reason why they were not willing to bring it to the floor of the Senate.

One reason was that it might stymie the Calendar of the Senate, that it might create issues on the floor of the Senate, that it might slow down the program, that it might have various deleterious calendar and legislative effects.

I said then, and I repeat now, in my judgment there never has been any justification for failing to bring to the Calendar of the Senate a bill or a resolution on its merits. The American people are entitled to no less. The American people are entitled to more than the Senate is giving them on the Connally reservation.

So, today, as there will be made very high-sounding speeches about the rule of law, I would have the American people take a long, hard look at the Senate. I would have the American people say to the hundred Senators who comprise the membership of this body, "When are you going to keep faith and bring to the floor of the Senate an amendment or a bill or a resolution that seeks to put the Senate of the United States on record as to whether in essence you are for the rule of law in the settlement of international disputes?"

I express my opinion that until we get rid of the Connally reservation we will only be engaging in a contest of semantics when we talk about the rule of law. So I say to the leadership of my party that my party has a responsibility on this issue, because the Democratic Party has taken its stand. The Democratic Party has said to the American people: "As a matter of policy, we are for the repeal of the Connally amendment."

I ask the question: When? If we favor the repeal of the Connally amendment, then we have the moral, political, and ethical duty to get on with the job and let the Senate stand up and be counted on the issue. I believe we do not have too much time to put our policy into practice. I say as a member of the Committee on Foreign Relations that my greatest lesson in foreign policy was taught to me by that great mentor to whom I have already referred, Arthur

Vandenberg, of Michigan. When he became a great internationalist, he discarded his philosophy of isolationism, which had characterized his political career for so many years, and joined and stood shoulder to shoulder with the great Franklin Roosevelt in the field of foreign policy in developing a nonpartisan approach to our international obligations. He pronounced the great assertion that partisanship in foreign policy must stop at the water's edge. He has left to our generation and to future generations the goal that gives us, in my judgment, our only hope of survival as mankind.

I believe that not much time is left to put into practice the great Vandenberg challenge. I paraphrase him, but accurately, for I think his views need to be restated on this Law Day, as Senators have heard me say before in the Committee on Foreign Relations, on the floor of the Senate, and from the platforms of America. So long as God gives me breath to speak, I shall continue to try to teach this great tenet, for I believe it is a dedicated cause. I believe that we who admired Vandenberg, as so many of us did, that we who have devoted so much of our time over the years to the ideal of seeking to promote a rule of law as a substitute for an immoral and shocking nuclear armament race, owe it to our teacher to carry on, although he has passed beyond.

So I paraphrase him, when I leave with the Senate again, as I close this part of my speech, the Vandenberg challenge. There will be no hope for permanent peace in the world until all the nations of the world are willing to set up a system of international justice through law, to the procedures of which will be submitted each and every issue that threatens the peace of the world, for final and binding decision, to be enforced by an international organization such as the United Nations.

I am aware of all the arguments that are raised against that ideal, including the argument that it is an ideal and, therefore, supposedly is not practical. Nevertheless, each of us knows in his own conscience that because it is a great ideal, it is a practicality. As I have said so many times, there are no practicalities except in terms of great ideals put to work. That is all a practicality is.

There is nothing practical about the Connally reservation, for what it is is a compromise of principle. What it is is an expediency; and an expediency is no substitute for practicality, because there is nothing practical about an expediency, for an expediency never makes an answer on the basis of an ideal put to work. So even expediencies are but manifestations of an intellectual weakness, in which the perpetrator rationalizes his own intellectual dishonesty.

I have moved and had my being in this body for many years; but one of my great disillusionments has been to see so many, so often, substitute expediency for their own ideals. When they do, they perform a great disservice to themselves, to their constituencies, and to their country.

On this Law Day, I would have Senators, as well as the people across the country, rededicate themselves to the Vandenberg ideal, and pledge anew a dedicated determination to do what they can to put into practice our professing to substitute adjudication for nuclear warheads.

I am so proud that in that great speech which the President of the United States made before the United Nations last fall, he had the courage and the foresight to be the first of our Presidents, speaking before the United Nations, to use the word "adjudicate," for I have no question about the idealism of the President, about his desire and his prayers that we all may help to lead our country toward the establishment of a system of international justice through law.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. MORSE. Mr. President, I turn now to the last item on which I wish to speak. I shall speak most respectfully and out of affectionate regard for many of my very close and fine friends in the Senate who represent the great States of the South, but with whom on the issue pending before the Senate I find myself in utter and complete disagreement with every major argument they have made thus far in regard to the so-called legal weaknesses of the pending measure. I respect their viewpoint; and out of that respect, I respectfully disagree.

I have listened to Senators' addresses on the floor of the Senate, and have read in the CONGRESSIONAL RECORD the speeches I did not hear, expounding the positions of some of my friends from the South concerning their opposition to the pending measure on constitutional grounds. I do not dismiss this subject on the basis of the old statement that, of course, lawyers enjoy disagreement; that when two lawyers discuss a subject, they will be found in disagreement on most of the points that are raised in the discussion. I do not dismiss their arguments on that ground.

To me, this is one of the most fundamental, historic problems that have met the Senate in some years in the whole field of civil rights; for, as I said earlier this afternoon, the whole background of the controversy over the proposed legislation is the background of civil rights. I think it is so important that we answer it by passing the bill, thus notifying the country and the world that we intend to put into application the 14th and 15th amendments of the Constitution of the United States, and put into application the full Constitution of the United States, in regard to all our citizenry, irrespective of race, color, or creed.

Mr. President, I do not expect that my good friends from the South will agree with my observations about this subject matter. But I have my obligations, as I see those obligations, in keeping with my oath, owed to those who send me here to represent a great sovereign State of this Union; and I make my constitutional argument very briefly by reading into the RECORD my answer to my good friends from the South—which happens to be the 14th and 15th amendments to the Constitution.

Section 1 of the 14th amendment reads as follows:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

I shall skip section 2, section 3, and section 4; and now I read section 5:

> The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

I say most respectfully that the case is as simple as that. When we examine the operative facts, then, as Senate jurors, when we render our verdict as to whether the facts show that any person is being denied equal protection of the laws, I think the case for the pending legislation is made.

But I refer briefly to the 15th amendment, which speaks for itself, as follows:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.
>
> The Congress shall have power to enforce this article by appropriate legislation.

Mr. President, those two amendments, the 14th and 15th—in fact, the entire Constitution, when read from its four corners—in my judgment leave no room for doubt as to what the majority of the Members of this body should do in voting on this proposed legislation. They should vote to pass it, so that the dynamics of the 14th amendment and the 15th amendment can live, instead of becoming dead letters.

Mr. CLARK. Mr. President, will the Senator from Oregon yield?

The ACTING PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Pennsylvania?

Mr. MORSE. I yield.

Mr. CLARK. I wonder whether the Senator from Oregon agrees with me that the able and erudite constitutional arguments made in opposition to the pending measure by some Senators who oppose it are based on the situation which existed before the 14th amendment and the 15th amendment were adopted?

Mr. MORSE. I think that is true. However, I think the opposition arguments based on the situation since that time are just as fallacious.

Mr. CLARK. Let me inquire whether the position taken by the Senator from Oregon is supported by the Constitution.

Mr. MORSE. It is.

Mr. CLARK. Is the position of the Senator from Oregon also supported by what I regard as a very able memorandum prepared by the staff of the Civil Rights Commission, and supported by Dean Griswold, of Harvard Law School?

Mr. MORSE. It is.

Mr. CLARK. I thank the Senator from Oregon for his answers to my questions.

Mr. MORSE. Mr. President, it was argued by one Senator that because the 17th amendment was ratified after the 14th and 15th amendments were ratified, ergo the 17th amendment superseded the 14th and the 15th amendments. Well, let us see about that.

The 17th amendment reads as follows:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.
>
> When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.
>
> This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

So, Mr. President, I ask the simple question, What in the world does that have to do with the 14th amendment and the 15th amendment? The answer is, absolutely nothing. Furthermore, not even the strained argument to which I listened earlier this afternoon came in the slightest degree close to showing any relevancy between the 17th amendment and the constitutional guarantees to all citizens under the 14th amendment and the 15th amendment.

So, Mr. President, in coming to the close of my argument, I make a brief comment on the operative facts: Why do I favor this bill? Primarily, because I do not believe that State-imposed literacy tests should be used as a device by which colored citizens can be denied the right to vote. We have seen from the findings of the Civil Rights Commission the many ways in which the literacy test can be manipulated and interpreted so as to form a bar to colored citizens but not to white citizens of equal mental competency. My one serious criticism of the bill would be that it may set too high a standard. Thousands of men and women in the States where literacy is a requisite for voting do not have a sixth-grade education. But why should they be denied the right to vote?

I would find more merit and persuasion in the arguments made by my dear friends from the South if they were criticizing the bill because its standards are too high, because those who do not have the equivalent of a sixth-grade education pay taxes and are subject to all the obligations of government—as they should be; and if we have allowed the maintenance of an educational system which permits too many of them to slip through without being educated, we should not penalize them—instead, we should penalize ourselves—for their lack of formal education.

Let me say good naturedly, Mr. President, that I, myself, know a surprisingly large number of men and women who do not have a sixth-grade education, but who, in my judgment, have the sagacity and the perception which qualify them to pick a U.S. Senator or a Member of the U.S. House of Representatives with wisdom equal to that, I believe, of one who has a Ph. D. degree or a Phi Beta Kappa key. I speak as an old educator. It is so easy for us to accept fallacious premises.

Some of the wisest men I know, including my own father, would not meet the test of this bill, but I would not trade the political sagacity of my wonderful farmer father for any political science professor I have ever known when it comes to voting on who should be a Senator from my State.

Mr. President, you know a book needs to be written on legislative myths, and if one were written, there would have to be at least a little more than a footnote—it would have to be a pretty long footnote, if not a chapter—on the myths of some of the assumptions contained in the bill in regard to the high standards it proposes.

The Senator from Oregon has had a bill in the Senate on this subject. I get discouraged in introducing it. I have not introduced it this year, but I shall try to do so before the afternoon is over.

It would tackle the myth that formal education should be a requirement for the precious privilege of voting in the United States. I think it is wrong. I think an American citizen who can give instructions, under proper electoral judge observation, as to the person he wants to cast his vote for to be a U.S. Senator or Representative, or any other officer, should have the right to give those instructions, and should not be denied the privilege of voting.

But I am realistic about this question. I am going to vote for the bill, if I ever get a chance to vote for it, because the literacy tests imposed by some States should not be permitted to become an instrument for doing indirectly what the 15th amendment prohibits them from doing directly.

But I hope that in due time we can amend it along the lines of my bill, which directly challenges the myth based upon the assumption that formal education ought to be a prerequisite for the exercise of the right to vote anywhere in this country.

Before closing, I shall comment briefly on two other aspects in connection with this matter. First, what do the facts show as to the civil rights background of this issue? Second, what do I think the parliamentary situation is here in the Senate in regard to the issue?

I think the evidence is mountainous that in area after area and in county after county in the country thousands upon thousands of colored people are, in effect denied the opportunity to vote. I am not interested in the literal arguments of my beloved friends from the South. I am not interested in their formalistic rationalizations presented over and over again in this debate. I am interested in what the records show, for my duty is to follow where the facts lead, and the facts lead away from the arguments of the southerners, in my opinion. The facts lead to the support of the objectives of the bill.

I do not have to be hit over the head with a baseball bat to have my recollection jogged as to what the evidence submitted by one group after another that has studied the subject matter for years has shown, whether it is the Civil Rights Commission or the National Association for the Advancement of Colored People. And, let me say, that is not a bad name in my book.

In fact, I digress just long enough to pay tribute to the National Association for the Advancement of Colored People. What a great contribution they have made to humanitarian welfare in this country, as over the years they have had the courage and the daring to stand up and support fellow citizens equal to any of us, so far as their constitutional rights are concerned, and they should be, and as they have been subject to persecution and discrimination and unfairness time and time again, not only in the South, but in other parts of the Nation as well. Studies of church groups and findings of great organizations such as the friends show the sad, indisputable fact that in too many counties of the South either no Negroes vote or but a handful vote. I have not heard an argument yet in this debate that comes even close to a discussing of the cause. But the record is clear, Mr. President, that thousands and thousands of them do not vote not because they do not want to vote; they do not vote because they know they cannot vote, that they will not be allowed to vote. Thousands of them are afraid to try.

That is not a healthy situation for this body politic. It is a serious, cancerous growth in this body politic, I do not care from what angle one looks at it. If he looks at it from the standpoint of our domestic welfare, this cancer must be treated and eliminated.

If one looks at it from the standpoint of international affairs, may I say, as a member of the Foreign Relations Committee of the U.S. Senate, that the civil rights issue in this country is one of the most important foreign policy issues facing and confronting this Republic. In international councils, Mr. President, we do not look so good, when we talk about freedom, the dignity of the individual, personal liberty, civil rights, to have it thrown in our teeth by delegates from Africa, Latin America, southeast Asia—yes, Europe—that there seems to be a great deal of difference between our professings and our practice.

And so there is, Mr. President. There is a great deal of difference, and it is hurting. It is hurting our international standing. That is why I have been heard to say for many years, as I repeat today, we must do something about the civil rights issue in the United States. We must insist that the guarantees of the Constitution of the United States have meaning and application from east to west and north to south. The courts cannot do it alone.

It is also fitting, on Law Day, that tribute should be paid to those great Federal judges of the South who have placed their oath of office first and have placed

the Constitution in its proper perspective and, in decision after decision, have faced up to the civil rights issue.

On Law Day, I would not wish to conclude without paying my compliment to that great court which sits in the great cathedral of justice only a stone's throw from where I speak, the tribunal which ever since the Marbury versus Madison decision in 1803, issued by that great southern Chief Justice, Justice Marshall has laid down the doctrine that the Supreme Court is the final arbiter and determiner of the meaning and the application of the Constitution of the United States as to the respective constitutional rights of each one of us, until the people under the Constitution exercise their right, if they decide to do so, to amend that Constitution in any particular.

The time has come for the Legislature of this country, the Congress of the United States, to do its fair share, to live up to its responsibility by enacting legislation which will seek to bring an end to what I consider to be the inexcusable discrimination against the colored people of this country in too many particulars.

That leads me to make a brief comment about the procedural obligations of the Senate in this historic debate. I commented briefly on this earlier this afternoon when I answered the majority leader. I now comment on it as a substantive point in the speech for the RECORD.

Mr. President, this civil rights issue has been raised. It is before us. In my judgment, it should be fought through to the end. I repeat, the American people have no substantive legislative rights separate from their procedural rights. I say to the American people, "Turn your eyes on the Senate of the United States right now, and don't take them off of the Senate of the United States until this issue is disposed of in its substance, and do not accept a procedural runaround that may end up in putting aside this basic legislative issue."

Again I speak impersonally. I speak in a friendly spirit. But I speak, Mr. President, as one who proposes to keep faith with the responsibilities he owes to the people of his State in this body.

So I say to every civil rights group in America and I say to every citizen in America who believes that the time has come to bring an end to the kind of discrimination practiced against the colored people of this country in too many counties of this country, in too many parts of this country, with respect to their right to vote or the denial of their right to vote, "Make clear to the leadership of the Senate of the United States, on both sides of the aisle, that you don't want this proposed legislation put aside until it is voted on in its substance."

I will tell Senators my fears. I fear for this lackadaisical debate on this subject which has been proceeding now for several days without a single night session. We shall be confronted next Monday with a cloture petition, which will stay at the desk for two days, and a week from Wednesday a vote will be called for. Well, a miracle might happen in the Senate. I guess almost anything could happen in the Senate legislatively, but I would consider it almost a miracle, Madam President (Mrs. NEUBERGER in the chair), if the cloture motion were agreed to.

I have a hunch, coming from my sixth sense, which I would describe as a sense of political smell. My sense of political smell causes me to detect an odor, smelled by most of my colleagues in the Senate, that no one really expects that cloture petition to be agreed to. Let us suppose that hunch proves to be correct, and the debate resumes. My intuition tells me the debate will go on, in a somewhat lackadaisical fashion, for a few more days, and another cloture petition will be tried. In all probability it will fail.

Then the argument will start, "We have many other items we must take care of. Many Senators are running for office. We probably cannot finish the session until Labor Day now anyway, and perhaps later. Therefore, it would seem best to lay the issue aside."

There is a lot of talk to that effect in the cloakrooms now, Madam President. I think it is wrong. I think when an issue so vital to the constitutional rights of so many fellow Americans is before us we cannot justify laying it aside. In such a situation I have only one word of advice—fight.

No matter how long it takes to fight and win this battle—fight.

Let us focus 180 million pairs of eyes on the Senate of the United States in defense of the constitutional rights of colored people who, in my judgment, are being shockingly discriminated against in this country by being denied first-class citizenship and the greatest guarantee of freedom, which is a free ballot. Do Senators know how long it will take to win that battle? At the maximum, 2 weeks. I suggest that the Senate be held in session for 24 hours, day and night, for 2 weeks on a great historical cause which in my judgment is vital to the health of our Republic in the decades ahead. We will win.

Surely there will be some political consequences. During the battle the Senate will not be a peace corps. We can be sure of that. The Senate will be living up to its responsibilities. I do not buy the argument of my majority leader that it may take longer to produce the necessary action in the way he proposes—quitting for an early dinner and adjourning over weekends.

Madam President, the battle is not a new one for the senior Senator from Oregon. I have seen filibusters broken before. We shall move into a filibuster. We would be in it now if the leadership on both sides had not been so easy on the opposition. We heard some Senators complain today that they had not yet been allowed to make their speeches. I would accommodate them. I think there would be about as many Senators present in the Chamber at 3 o'clock a.m. as I have seen at 3 o'clock p.m. every afternoon since the debate started. Senators know that.

I know all the toes that my comments step on and all the feelings they offend. But speaking for the moment as a Democrat, I say to the Democratic Party, "You cannot continue to run out on the civil rights issue, for you are going to be held accountable for it."

The issue is before us. We should stay with it until we dispose of it. The only way to do so is to stay with it until we have a vote on the substance of the issue, which is the question whether the bill will be voted up or down.

That is my case. I have not meant to offend my leadership, but if I must make a choice between offending my leadership and underwriting the procedural policy that it announced on the floor of the Senate earlier today, I shall not hesitate to offend my leadership, for I think my leadership is dead wrong on the procedure it has proposed for the handling of the issue. I hope it will prove me wrong. It would not be the first time that I have "eaten crow" on the floor of the Senate, and I would be glad to do so on the present issue. But I do not think the leadership will prove me wrong, for under the procedure it is following, I do not think the leadership has a chance of bringing the issue to a vote on the merits in accordance with the procedure that the majority leader announced today on the floor of the Senate. I do not expect to see a vote on the substantive merits under that procedure.

In my opinion, it is the clear duty of the majority leader and the minority leader, the majority whip and the minority whip, representing the two sides of this great Chamber, to serve notice now that no matter how long we must remain here, whether or not it is to be throughout the campaign—and as a candidate for reelection I have a great interest in that campaign—the issue will be fought out. For myself, I have no intention, so long as I serve here, of ever putting a campaign ahead of my obligation to a particular forum on which I am serving.

In my judgment, the leadership should make very clear to Senators from the South that we are to vote on the substance of the issue, that once we know the filibuster is on, we will then use procedures to break it, including 24-hour sessions for as many weeks as may be required. We will break it, and we will reach a vote on the question.

Madam President, in yielding the floor, let me say that this is the only time I expect to speak on the substance of the issue, for I have made clear my rejection of every constitutional argument that I have heard in the debate or read in the debate. The 14th and 15th amendments speak for themselves in rejection of those arguments. I have spoken about my reasons why I think the colored people of America are entitled to this protection. I have protested what I think is an unsound procedure, parliamentarywise, for bringing the subject to a substantive vote of the Senate.

I yield the floor.

STEEL PRICES

Mr. JOHNSTON. Madam President, I have listened to the Senator from Oregon. I agree with his statement on the first subject he discussed. I believe

that our President acted correctly in reference to the rise in steel prices. I think the President did what he should have done. If he had done anything else, he would not have been the kind of President that I think a President should be. I think there is a possibility that there may be some reaction hereafter. If the question is carried into the courts, it may be determined that all the steel companies, or at least the larger ones, got together and set the price of steel. If such a course is not price-fixing contrary to the laws of the United States, I do not know when any action could be a violation. So I agree with the Senator from Oregon on that point. I believe that the President acted rightly. When the grand jury started to investigate the question, and when the Committee on the Judiciary started to investigate, I believe that the steel companies were glad to have a way out and immediately withdraw the proposed price increases.

LITERACY TEST REQUIREMENTS

I disagree with the senior Senator from Oregon on the question he last discussed. I cannot agree with him from a legal standpoint; neither can I agree with him in my thinking, knowing the conditions in the South. I think probably I know them a little better than he does. I wish the senior Senator from Oregon and others who have discussed the issue in the Senate so fluently would go to South Carolina and spend perhaps a month investigating and seeing the conditions there. I believe they would probably change their attitude to a certain extent.

I noticed that the Senator from Oregon did not mention another section of the Constitution that has a direct bearing on the question before the Senate at the present time. We have contended throughout the debate that each State has the right to set qualifications of voters. We do so because of article I, section 2, of the Constitution. I read directly from the Constitution:

> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for electors of the most numerous Branch of the State Legislature.

The section which I have read deals directly with the qualifications of voters.

Let us turn now to the section which has also been read to the Senate. That is the 14th amendment. We must bear in mind that when the 14th amendment was adopted it was during the Reconstruction Period. What does it provide?

Section 1 provides:

> All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

We must bear in mind that this deals with discrimination, if we wish to call it that.

The 15th amendment reads:

> SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude—

No one has asserted in the debate, in speaking against the pending proposal, that we can discriminate against anyone. We are arguing that the Federal Government has nothing to do with the setting of the qualifications, but that each State has the right to set the qualifications.

If the pending bill is passed it will only be the forerunner of many similar bills that will be brought before us in order to give to the Federal Government the power to prescribe regulations for voters in each State.

A Federal statute attempting to establish a uniform literacy requirement for voting in Federal elections is beyond question unconstitutional. The creation of such a qualification for voting would require an amendment to the Constitution of the United States.

To illustrate the point, I mention the fact that only a few days ago we passed a joint resolution in the form of a constitutional amendment prohibiting a State from requiring the payment of a poll tax. Some of the same Senators who are now on the other side on the pending issue argued at that time that that was the only way to proceed; namely, by way of a constitutional amendment. Senators made the argument that the Constitution is so clear on this subject that it does not even require the expertness of a lawyer to so interpret and reach this conclusion.

The language in the Constitution is specific in leaving the power to the States to determine the qualifications of its voters. It is a well deliberated point of constitutional history that had not the Constitution expressly provided that this power be left to the States there may well have not been any sacred document that has governed us so effectively through our years of hardship. Concerning the qualification of voters to vote for U.S. Senators and Representatives in Congress, the Constitution contains the following provisions:

REPRESENTATIVES

Article I, section 2, clause 1, reads as follows:

> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

SENATORS

Amendment XVII reads:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

It is evident from the above provisions that although the States may not prescribe the qualifications of voters of Congress as such, the qualifications prescribed by the States for electors of the most numerous branch of their legislatures are adopted by the Constitution for this purpose and certainly even the most ardent liberal will not argue that the States cannot exclusively name the qualifications of voters for the most numerous branch of its legislature.

In discussing this point, the Supreme Court in *Ex parte Yarbrough* (110 U.S. 651, 633), stated:

> The States in prescribing the qualifications of voters for the most numerous branch of their own legislatures, do not do this with reference to the election for Members of Congress. Nor can they prescribe the qualifications for voters for those eo nomine. They define who are to vote for the popular branch of their own legislature, and the Constitution of the United States says the same persons shall vote for Members of Congress in that State. It adopts the qualification thus furnished as the qualification of its own electors for Members of Congress.
>
> It is not true, therefore, that electors for Members of Congress owe their right to vote to the State law in any sense which makes the exercise of the right to depend exclusively on the law of the State.

As early as 1898, the Supreme Court held that the provision of section 244 of the constitution of Mississippi, making ability to read any section of the Constitution, or to understand it when read, a necessary qualification to a legal voter, does not on its face, discriminate between the white and Negro races, and does not amount to a denial of the equal protection of the law, secured by the 14th amendment to the Constitution. The constitution of Mississippi and its statutes, the Court stated in *Williams* v. *Mississippi* (170 U.S. 213), "Do not on their face discriminate between the races, and it has not been shown that their actual administration was evil, only that evil was possible under them." The Court thus clearly states that the Constitution gives to the States the exclusive right to make the qualification of the voters. Since this is among the oldest of precedents on this point, it behooves us as Members of this distinguished body to look at the language closely, to reflect upon our young country in the late 1800's and realize what the then members of the Supreme Court were trying to do. They were trying to do their sacred duty as judges of our highest court in the land not to provide where there was not provision, not to stretch or distort where the language was clear. They knew our Constitution was not a thing to be tampered with because of whim or circumstance of the moment, and they showed it time after time in their decisions on this issue. The socio-economic status of our country during that time was a lot rougher than it is today, but they chose to respect the provisions of the Constitution as written and not try to look outside them for some easy bypath that would suit the notions of a few. Their thinking was profound and their reasoning just, no matter what hardships had to be endured for the moment. No one can refute their judgment, as can be evidenced by our strides in many fields since that time.

Unfortunately, their logic falls on deaf ears during our atomic age.

The 15th amendment has been bounced around this chamber with such regularity lately that I doubt if even our most learned Members have better than a general idea of what its contents specify. To refresh the memory of those who tend to bend its contents, I will read verbatim sections 1 and 2 of the Constitution:

SECTION 1. The right of citizens of the United States to vote shall not be denied by the United States or by any State on account of race, color, or previous condition of servitude—

I do not see how educational qualifications touch upon either of these subjects whatsoever, for it will be found that most of the States concerned, in setting up qualifications for voters, have adopted the same rule for white, colored, and all other persons concerned. The Constitution also provides:

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

To enforce what? To enforce the requirement that there be no discrimination on account of race, color, or previous condition of servitude.

What is the effect of the foregoing language? Beyond doubt, the amendment does not take away from the State governments in any way the power over suffrage which has belonged to those governments from the beginning and without the possession of which power the whole fabric upon which the Constitution and the organization of both governments rest would be without support. Without this power, both the authority of the Nation and the State would fall into chaos. Rather than taking away any rights of the States to make their own qualifications for voting, guaranteed by the sections which I have cited, it again reemphasizes this constitutional right of the States exclusively to prescribe their own qualifications for voting.

Following the same line of thought, it might be well at this point to inject a passage from a book by Frederic A. Ogg and P. Orman Ray, entitled "Introduction to American Government," which deals with the facts leading up to and including the formation of the Constitution of the United States and other matters. This publication is considered recommended reading by the Library of Congress on the subject matter presented. On page 182, in the chapter entitled "The People as Voters" under subheading "Constitutional Basis of the Suffrage," the following language is set forth:

The makers of the National Constitution might easily have provided for a uniform national suffrage, distinct from the suffrage systems existing in the several States, as did the authors of the Constitution of the federally organized German Empire created in 1867–71. But they chose, as did the framers of the Constitution of the Swiss Confederation, to utilize for national purposes such electoral arrangements as each State had made, or might subsequently make, for its own use, and hence, until 1870, the Constitution's sole provision on the subject was that persons voting for Members of the Lower House of Congress should, in each State, have "the qualifications requisite for electors of the most numerous branch of the State legislature." The 15th amendment, adopted in the year mentioned, imposed the first direct constitutional restraint upon the States in this matter by forbidding any State (or the United States) to deny or abridge the "right" of citizens of the United States to vote "on account of race, color, or previous condition or servitude."

Bear in mind that that provision was written into the Constitution. That was the only way in which it could have been adopted. It could not have been adopted by a bill passed by Congress.

In this instance, Congress is attempting to pass a bill in an attempt, as I see it, to change the Constitution of the United States. But that is not the way prescribed in the Constitution for a change of the Constitution.

I continue to read from the book entitled "Introduction to American Government":

The 19th amendment, adopted in 1920, laid a further restriction by forbidding any State (or the United States) to deny or abridge the "right" to vote "on account of sex." Limited only by these restraints, every State, in its Constitution and laws, regulates suffrage qualifications as it desires. The two amendments tend to produce uniformity as far as they go: And their effects—especially in the case of the woman suffrage amendment—have been far-reaching. Plenty of room is left, however, for variation, and hardly any two States will be found with precisely the same arrangements.

From this statement of historical and judicial fact, the intent of the framers of the Constitution is without doubt or room for error. Stated again, "limited by only these restraints, every State, in its Constitution and laws, regulates suffrage qualifications as it desires." This is spoon-fed logic as gleaned from the events and happenings prior to and subsequent to the conception of our Constitution. There was ample opportunity to enact, or strongly suggest, uniform suffrage by the makers of the Constitution. But they had the foresight to realize that the National Government should not meander into the sacred province of States in the manner now under consideration. Had they thought this was the avenue of approach, or that it should even be done, they would have so provided.

Taking another facet into consideration at this point, the proposition that States employ the use of literacy tests may be unconstitutional. The Supreme Court's decision rendered in the case of Guinn against United States is among the hallmark citations on this issue. It reads, in part:

No time need be spent on the question of the validity of the literacy test considered alone since as we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision, and indeed, its validity is admitted.

The decision in the case of Guinn against United States may be summarized by saying that it held that the power was left with the States to determine the qualifications of their voters, and a State may establish a literacy test as a prerequisite for voting, provided that such test applies alike to all citizens of the State, without discrimination as to race, creed, or color. This is not unlike the power a State has to make other qualifications, such as age, residence, and so forth, according to its own particular needs. The framers of the Constitution, recognizing that each State had different problems, omitted any language that would prevent a State from prescribing its own voting qualifications, inasmuch as any uniform suffrage qualification, dictated by a strong Federal Government to all citizens of the Nation, would be disastrous.

The principle laid down in the case of Guinn against United States, supra, was emphasized in *Lassiter* v. *Northampton Election Board* (360 U.S. 45), a 1959 Supreme Court decision. This case, along with the Guinn decision, has been elaborated upon at length, but it may be well to reiterate the judicial thinking of the Court. It seems that the Court need be reminded of the precedents set in the past, since it currently seems to have an unusual affinity for wandering outside the rule and reason that have prevailed in previous decades. The principle reads as follows:

We come then to the question whether a State may consistently with the 14th and 17th amendments apply a literacy test to all voters irrespective of race or color. The Court in *Guinn* v. *United States*, supra, disposed of the question of the validity of the literacy test considered alone since as we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision, and indeed, its validity is admitted.

Other momentous Supreme Court decisions that hit more at the heart of the matter as concerns the States' power to determine voting qualifications, are as follows:

The States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised (*Pope* v. *Williams*, 193 U.S. 621 and *Mason* v. *Missouri*, 179 U.S. 328) absent of course the discrimination which the Constitution condemns.

Article I, section 2, of the Constitution, in its provision for the election of Members in the House of Representatives, and the 17th amendment, in its provision as to Senators, provide that officials will be chosen "by the people."

Each provision goes on to state:

The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

So while the right of suffrage is established and guaranteed by the Constitution—*Ex parte Yarbrough* (110 U.S. 651, 663–665); and *Smith* v. *Albright* (321 U.S. 649)—it is subject to the imposition of State standards which are not discriminatory and which do not contravene any restriction that Congress, acting pursuant to its constitutional powers, has imposed.

I may point out that Congress has no right or power to regulate the qualifications of voters in any State. Instead, that power is left entirely to each individual State.

Reading further:

We do not suggest that any standards which a State desires to adopt may be required of voters. But there is wide scope for exercise of its jurisdiction. Residence re-

quirement, age, previous criminal record (*Davis* v. *Beason*, 133 U.S. 333) are obvious examples indicating factors which a State may take into consideration in determining the qualification of voters.

Along that line, Madam President, I remember that many States once had in their laws requirements that one must own property in order to be allowed to vote. However, in most States that requirement has subsequently been eliminated.

I read further:

The ability to read and write likewise has some relation to standards designed to promote intelligent use of the ballot. Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world show. Literacy and intelligence are obviously not synonymous. Illiterate people may be intelligent voters.

For instance, Madam President, I know some people in my State who cannot read or write; but I would rather trust their judgment as to who should represent them in Congress, instead of trusting the judgment of some with even a high-school education, not just a sixth-grade education.

I read further:

Yet in our society where newspapers, periodicals, books, and other printed matter canvass and debate campaign issues, a State might conclude that only those who are literate should exercise the franchise.

Of course that is a purely a question for the States to decide.

I read further:

Of course a literacy test, fair on its face, may be employed to perpetuate that discrimination which the 15th amendment was designed to uproot. No such influence is charged here. On the other hand, a literacy test may be unconstitutional on its face.

In that connection the Court pointed to *Davis* v. *Schnell* (81 F. Supp. 872, affirmed 336 U.S. 933), saying:

The great discretion it (the legislation) vested in the registrar made clear that a literacy requirement was merely a device to make racial discrimination easy. We cannot make the same inference here. The present requirement, applicable to members of all races, is that the prospective voter "be able to read and write any section of the constitution of North Carolina in the English language." That seems to us to be one fair way of determining whether a person is literate, not a calculated scheme to lay springes for the citizen.

We may summarize Lassiter against Northampton County Board of Elections, supra, decided by the Supreme Court of the United States in 1959, to affirm the principle that the application of a literacy test by a State as a qualification for voting is consistent with State power under the 14th and 17th amendments if applied to all voters alike, irrespective of race or color; and if such requirement is not unfair on its face and does not show an intent to effectuate discrimination, it is not violative of the 15th amendment.

We all know that laws on the statute books can be properly enforced or not properly enforced. I have ofttimes said that I would rather have a poor law on the statute books which was enforced in a good manner than have a fine law on the statute books which was enforced in a shabby way. A good example of that statement is the manner in which former Secretary of Agriculture Ezra Taft Benson dealt with the farmers of this Nation. I think that is a good illustration of having a good law on the statute books, but having a poor enforcement of it.

We have seen from the aforementioned decisions that a State statute providing literacy as a qualification for voting in a Federal election is not only valid but actually derives its validity from article I, section 2, clause 1, supra, and from the 17th amendment, supra, the provisions of which give recognition to the fact that the States may set requisites for electors of the most numerous branch of the State legislature, by adoption of these requisites for electors of U.S. Senators and Representatives.

We come now to the effect which article I, section 4, clause 1, may have upon the question.

The Constitution provides in clause 1 of section 4 of article I:

The Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The case of *Ex parte Clarke* (100 U.S. 399 (1879)) involved the constitutional power of Congress "to enact a law for punishing a State officer of election for the violation of his duty under a State statute in reference to an election of a Representative to Congress." The court held that Congress did have this power. This type of statute was considered as covering the manner of holding an election.

The case did not involve the qualification of voters. However, Justice Field, in the dissenting opinion, does speak about qualifications of voters and makes the following comment:

The power vested in Congress is to alter the regulations prescribed by the legislatures of the States, or to make new ones, as to the times, places, and manner of holding the elections. Those which relate to the times and places will seldom require any affirmative action beyond their designation. And regulations as to the manner of holding them cannot extend beyond the designation of the mode in which the will of the voters shall be expressed and ascertained. The power does not authorize Congress to determine who shall participate in the election, or what shall be the qualification of voters. These are matters not pertaining to or involved in the manner of holding the election, and their regulation rests exclusively with the States. The only restriction upon them with respect to these matters is found in the provision that the electors of Representatives in Congress shall have the qualifications required for electors of the most numerous branch of the State legislature, and the provision relating to the suffrage of the colored race. And whatever regulations Congress may prescribe as to the manner of holding the election for Representatives must be so framed as to leave the election of State officers free, otherwise they cannot be maintained. In one of the numbers of the Federalist, Mr. Hamilton, in defending the adoption of the clause in the Constitution, used this language: "Suppose an article had been introduced into the Constitution empowering the United States to regulate the elections for the particular States, would any man have hesitated to condemn it, both as an unwarrantable transposition of power, and as a premeditated engine for the destruction of the State governments?

The violation of principle in this case would have required no comment. By the act of Congress sustained by the Court, an interference with State elections is authorized almost as destructive of their control by the States as the direct regulation which he thought no man would hesitate to condemn.

The views expressed derive further support from the fact that the constitutional provision applies equally to the election of Senators, except as to the place of choosing them, as it does to the election of representatives.

It is apparent from Justice Field's comments, that this provision of article I, giving Congress the power to "alter such regulations" of the times and "manner of holding elections for Senators and Representatives" does not apply to qualifications for voting. One cannot read that into the Constitution.

It would seem that if the Constitutional Convention had intended section 4 of article I to authorize Federal legislation concerning qualification of voters, then such intent must have been to nullify, by section 4, the power over qualification of voters which it had just left with the States in section 2 of the same article I. It is difficult to attribute such a motive to that body.

It has been a long time, almost 175 years, since the Constitution was adopted. For a long time no one thought it meant anything else than what it has been interpreted to mean in all the Supreme Court opinions.

Thus, since it is a "most fundamental principle of our constitutional jurisprudence" that "all the provisions of the Constitution are equally binding upon Congress" (Willoughby on the Constitution of the United States, vol. I, p. 493), it must be assumed that section 4 of article I means no more than what it says and applies only to the manner of holding elections, leaving the coverage of the qualification of electors to section 2 of said article.

I defy any Senator on this floor to read a Supreme Court opinion in which the Supreme Court has rendered any decision holding that the Federal Government has a right to regulate the educational qualifications of a voter. In every Supreme Court opinion, the Supreme Court has ruled that that power is left to each particular State.

My distinguished colleague from North Carolina [Mr. ERVIN], who was a judge on the North Carolina Supreme Court, compiled a notable work on the issue now pending before the Senate in his presentation before this body Friday, April 27, 1962. The elaborate length to which my distinguished friend has gone in preparing his argument, is truly a tribute to his own standing as an authority on constitutional questions.

It was the subcommittee under the chairmanship of the Senator from North Carolina which held hearings on this particular measure. I am a member of the subcommittee. The Senator from North Carolina was doing an excellent job, and I think that is one of the reasons why the measure was taken to the Senate without getting a report from

the Judiciary Committee. Some Senators dare not wait until the report is completed. It will be so well annotated and to the point on this particular subject that no lawyer—it makes no difference whether he is a "cornfield" lawyer—could say it would be constitutional to pass the proposal now before the Senate.

It would be well for those who were not present to hear, in part, the statements concerning the bill made by distinguished legal authorities from various areas of the United States. These are judicial opinions rendered not from the heart of the South, or the South alone, but from authorities represented in several parts of our Nation, including the North. Some are attorneys general of their respective States; some are highly esteemed members of law school faculties; all are experts in the matter under discussion.

I begin by reading the statement made by the Honorable Richard W. Irvin, attorney general of Florida:

It has long been my impression, and it seems well founded in law, that the right of suffrage is not conferred by the Federal Government, but is generally derived from the several States under State Constitutions. This being the case, there comes to mind a serious question as to the appropriateness of Federal legislation to provide for regulations in this area.

Prof. Richard V. Carpenter, of the Loyola University School of Law, Chicago, Ill., made this statement:

S. 2750 would also provide that a sixth-grade education, even in a foreign language school (e.g., an accredited Spanish language school in Puerto Rico), must be accepted as compliance with the language proficiency as well as the literacy test of any State.

That would not be like the law in New York. New York has an English test, and the Puerto Ricans or other people who cannot read and write English cannot vote in New York.

I continue to quote the statement of Professor Carpenter:

In effect, this would deny to any State the power to impose proficiency in English as a qualification for voters. If Congress were to enact this provision, I believe it would be usurping the power explicitly reserved to the States to determine the qualifications of electors in their respective elections. I disagree heartily, and any State legislature may fairly and justly disagree, with the recital or implication of S. 2750 that citizens who read, speak, and understand only Spanish are, generally speaking, as well qualified as those proficient in English to exercise the voting franchise. I further disagree with the recitals that such information as is necessary for the intelligent exercise of the franchise is available through Spanish-language news sources, and that lack of proficiency in the English language provides no reasonable basis for excluding these citizens from participating in the democratic process. To me, it seems ordinary commonsense that ignorance of the English language would tend to handicap any voters in this country from understanding campaign issues and the qualifications of candidates. The relatively limited Spanish-language news sources cannot be expected to give us broad coverage to campaign issues and candidates as English-language sources. Moreover, a State legislature might reasonably find that campaigners would be unduly burdened if they were under duress to duplicate their broadcasts in Spanish as well as English, and to meet all the challenges posed by Spanish-language publications as well as English.

There are many Spanish-speaking people in some of the States. When some Senators are candidates for election in their home States, in certain territories of their States they speak Spanish to the voters and in other sections they speak in English. Thus being able to speak in both English and Spanish, such candidates are persuasive, for when the Spanish-speaking people are addressed in their own language, they can understand the candidate.

Professor Carpenter continued:

If a State wishes to enfranchise their foreign-language citizens, regardless of proficiency in English, it would certainly be within their power to do so—

That question has not been raised in relation to the State of New York, and I do not think anyone from the South will raise it. The South will leave to the people in each State the ability to regulate their own affairs. That is the only thing we are speaking about at the present time.

Professor Carpenter continued—

but they would not be acting arbitrarily or unjustly if they elected not to do so. Under the Constitution, the States should have the freedom to make their own rules in the matter and Congress should not repress that freedom. The rule that might be best for New Mexico may not be appropriate for Maine or New York.

A rule that might be appropriate for New Mexico may not be appropriate for Maine or New York. The people of New Mexico may need certain laws which the people of New York or Maine would not need.

Prof. Alfred Avins, of Chicago-Kent College of Law, Chicago, Ill., said:

Manifestly, it is futile to argue that the 15th amendment was mere surplusage, and that the 14th amendment was intended to encompass a restriction on State voting qualifications. And it is equally at war with reason that Congress, after having expressly deleted a provision banning educational qualification from the amendment, should have intended that the watered-down version which finally became the 15th amendment should encompass a provision which had been expressly deleted. The same Members of Congress proposed the 14th and 15th amendments, and it is preposterous to believe that extensive debate should be conducted over a provision already covered by some other enactment. It is clear that the deletion of the educational voting restriction ban forecloses any congressional action in this field. A State will be well within its constitutional prerogatives to provide that none but those who pass the eighth grade, or high school, or college, or law school, or who can read English, or Latin, or Greek, can vote at Federal or State elections.

I am quoting a law professor in Chicago:

I might note that S. 2750 is unconstitutional for still another reason, and would be so even if confined to the District of Columbia where Congress has plenary power to legislate. It is reasonable to require literacy in English for voting since the overwhelming amount of information about the Government is printed in that language, and accordingly a person who cannot read English is barred by language barrier from obtaining most of the information about what his voice will affect, and accordingly such a classification or discrimination is a reasonable one. However, if the limited information obtainable about governmental activities is deemed enough by Congress for intelligent voting, which is obtainable from the Spanish-language press, then there is no rational ground for discrimination against persons literate in Hebrew, Yiddish, Italian, Polish, German, etc., since, in the northern metropolitan areas where such persons are concentrated, there are as many newspapers in those languages as there are printed in Spanish. Accordingly, this unreasonable discrimination against other foreign language groups violates the fifth amendment (*Bolling* v. *Sharpe*, 347 U.S. 497 (1954)).

In sum, it is my opinion that the bills are unconstitutional. Hon. John B. Breckinridge, attorney general of Kentucky, has this to say regarding the pending bill:

Thus, in view of the Supreme Court's decision (in the Lassiter case), on the proposed bills, which attempt to set up literacy requirements as conditions for voting in face of the constitutional delegation of such authority to the various States, would appear to be invalid.

Attorney General Gremillion, of the State of Louisiana, says:

There is nothing in the Constitution of the United States, either by inference or otherwise, which will give to the Federal Government the right it now seeks to determine qualifications of voters as set up the individual States.

Suffrage and citizenship are not the same. Suffrage is not one of the inherent or natural rights given to man by his creator; nor is it a right of property or an absolute personal right. Suffrage is in all respects a conventional right, a right of the State, subject to be withheld or taken away by the power of the State.

The regulation of the right to vote belongs exclusively to the States. It is not a civil right or privilege but a political right, and not necessarily resulting from citizenship, and over the acquisition and enjoyment of which the judicial power of the United States has no jurisdiction or control, except in cases falling within and governed by the 15th amendment. The 15th amendment does not confer the right of suffrage on anyone, but operates to prevent discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude (citing *Reese* v. *United States*, 92 U.S. 241).

Prof. Paul G. Kauper, of the University of Michigan Law School, has made the following observations on this bill:

The Constitution makes clear that the qualification of electors is determined by State law, and in view of this explicit constitutional provision, it must be concluded that the breadth of Congressional power over Federal elections does not include power to override State-prescribed qualifications or to substitute federally prescribed qualifications in their place.

Turning to the questions raised by literacy tests required by State law as a condition to voting, it seems clear that proof of literacy, as a condition to registration for voting is appropriately characterized as a qualification within a State's power to impose under the authority reserved to the States under article I. It seems to me that this question was put to rest by the Supreme Court's decision in *Lassiter* v. *Northampton Election Board* (360 U.S. 45), where the Court held that the imposition of a literacy test by the State of North Carolina came within the State's power to prescribe

qualifications, and that absent any showing that the test was applied in an arbitrary or discriminatory way, such a qualification did not violate the 14th Amendment.

I think the proposed legislation presents serious and substantial questions of constitutionality. It prescribes a drastic remedy at the expense of State power to prescribe a type of qualification which the Supreme Court has recognized as valid. Congress is prescribing a positive type of qualification, rather than prohibiting qualifications that lend themselves to discriminatory application, and this strikes me as raising a serious question of inference with a legitimate area of State power and law.

The proponents talk a great deal about discrimination. At the same time, however, the bill would set up the standard of a sixth grade education. Would it not be a form of discrimination to set up a sixth grade education? So I say the proposed legislation presents a very serious and substantial question of constitutionality.

Prof. John M. Gradwohl and Prof. Wallace M. Rudolph, of the Nebraska College of Law, have made the following joint statement on this subject:

In our opinion, the power to Congress to establish voter qualifications is remedial only. The plenary power to fix the qualifications for voters in both State and Federal elections has constitutionally and traditionally rested with the States. Congress has no general power under the Constitution to establish voter standards.

Article I, section 4, provides a limited congressional authority to make or alter State provisions relating to the time, places, and manner of holding congressional elections. Inferentially, article II, section 1, would seem to deny this same power concerning times, places, and manner, together with the general authority of the "necessary and proper" clause, should not be construed as a substantive grant of authority to Congress to fix the qualifications of voters which has been specifically left by article I, section 2, the 17th amendment, and article II, section 1, to the States.

Here is a matter that ought to be left with the States. The power ought to continue with the States.

The scope of the 15th amendment is limited to discrimination on the grounds of race, color, or previous condition of servitude. Absent a showing that State requirements such as use of the English language or property ownership have been employed to discriminate along racial lines, Congress is not authorized to legislate on these subjects under the 15th amendment.

That is not the Senator from South Carolina speaking. I am still quoting:

For practical purposes, Congress is not safe in assuming that the State requirements now on the books would be held to deny equal protection of the laws without a showing of discriminatory application. Until there is a finding of State action which violates the 14th amendment, Congress does not have the authority under the amendment to establish voter standards, and the States retain their traditional exclusive control over voter qualifications applicable to both State and Federal elections.

The Honorable T. Wade Bruton, attorney general of North Carolina, has made the following observation in regard to Senate bill 2750:

Suffrage is a political right reserved and retained by the States subject to Federal constitutional limitations against arbitrary and discriminatory practices. The right to vote is a political right, and is not on a parity with so-called civil rights, vested rights, or property rights, and the right of suffrage is not conferred by the U.S. Constitution. It is derived from the States under their constitutions and statutes.

Prof. Maurice H. Merrill, of the School of Law of the University of Oklahoma, has this to say:

The debates in the Constitutional Convention, as reported in "Madison's Notes," under dates of August 7 and 8, 1787, seem to confirm this, the general tenor of the debate indicating agreement with the thought that what now is article I, section 2, would give the States full control over the qualifications of electors. It also is to be noted that the debate, on August 9, concerning what now is article I, section 4, does not indicate that this provision was regarded as giving to the Congress any power respecting qualifications of electors. Moreover, it is clear that the provision could not have been regarded as permitting Congress to prescribe qualifications concerning electors for Senators in the face of the original prescription of article I, section 3, that Senators should be chosen by the legislatures of their respective States. To my mind, the weight of the available data suggests that, so far as the provisions of S. 2750 rely upon article I, section 4, for constitutional basis, they cannot be sustained.

The Dickinson Law School of Philadelphia, Pa., speaking through an individual lawyer, made this response to an inquiry as to its views on S. 2750:

The language of the Constitution clearly reposes in the States the ultimate determination of the qualifications of the voters. Without constitutional amendment, I do not see how Congress can take from the States the power to determine such qualifications.

Prof. Walter A. Rafalko, of Duquesne University School of Law, at Pittsburgh, Pa., had this to say:

These decisions and the provisions of the U.S. Constitution which speak of the right to vote, the right protected refers to the laws and constitution of the State. Subject to the constitutional limitations and restrictions as set forth, the exclusive control of the voting franchise lies with the States. On the other hand, if abuses in the administration of a State literacy test, fair on its face, take place, the Congress may pass corrective legislation to enjoin such prohibitive State action as they have done pursuant to 42 United States Code 1971, implementing section 2 of the 15th amendment which provides, the Congress shall have power to enforce this article by appropriate legislation. Corrective legislation is not synonymous with enabling acts beyond the scope of congressional power. For these reasons, S. 2750 and S. 480 are unconstitutional as written.

Thus, the provisions of the bill cannot be reconciled with the holdings of the decisions and with the applicable provisions of the Constitution, in my opinion.

The attorney general of the State of Utah, the Honorable A. Pratt Kessler, declares on this subject:

It seems clear, that the States are left to determine the qualifications of those persons who exercise the electoral franchise even as to Federal elections. The present bills will usurp, to a great degree, the discretion of the State to establish its own qualifications for electors. I feel, therefore, that since the proposed legislation is extremely broad in its possible application, that it may run afoul of the U.S. Constitution. Frankly, I am of the opinion that the proposed legislation creates as many problems as it would solve.

The Honorable Robert Y. Button, attorney general of the State of Virginia, made this observation:

S. 2750 would grant to the Federal Government power to establish qualifications for those who vote in State elections. At the very least, this is an astounding proposition, as reason would dictate that each State should administer its own political system. But the fact that this proposition is offered not as a constitutional amendment, but as a simple act of Congress, can only produce amazement in the mind of anyone who has ever read the Constitution. The power given Congress to enforce the provisions of the 14th and 15th amendments is not all-inclusive. * * * The only laws Congress may pass in this regard are those counteracting such laws as the States may adopt or enforce and which, by the amendment, they are prohibiting from making or enforcing (citing *Civil Rights* cases, 102 U.S. 3 (1883)). If the State laws as to literacy are prohibited by the 14th amendment, Congress is authorized to enact S. 2750 to counteract those State laws. But if the State laws are constitutional, then Congress lacks the power necessary to enact S. 2750.

Prof. Stanley Dadisman, of the West Virginia School of Law, had this to say:

The Supreme Court has recognized that a State may take into consideration residence requirements, age, criminal record, and literacy in determining voter qualification. But in these two bills, S. 480 and S. 2750, it is proposed that Congress cure a literacy test problem by prescribing a sixth primary grade school test or standard as a minimum voter literacy qualification. The language as used goes beyond creation of a rebuttable presumption. This, it seems to me, can cause several constitutional questions. On the face of the bill the language tends to stigmatize many voters and to create an arbitrary and discriminatory test. In many areas many voters without a sixth primary grade school education are intelligent people. Many will have sons and daughters in school and in the Armed Forces. They will be people active in business and industry and in the civic and commercial life of their community. They will be familiar with election issues and personalities, will be able and anxious to discuss them, and know how to mark their ballots and operate voting machines. It seems to me that the sixth primary grade school requirements, as in the bills proposed, may be politically, socially and economically unwise, and unconstitutionally unsound.

The Reverend Francis James Conklin, a native of Montana, and a professor of law at Gonzaga University at Spokane, Wash., had this to say:

The inescapable conclusion is that article I, section 2, even as qualified by article I, section 4, expresses a fundamental constitutional compromise at the very core of the concept of federalism. The constitutional clause in question can only be understood as empowering the States and the States alone to set the qualifications for voters in Federal elections.

Without question the second section of the 14th amendment gives Congress new substantive powers over the States, and the States right to set voter qualifications. Congress now has unrestricted power to diminish the number of Representatives from any State which excludes a portion of its male citizens over 21 years of age from the franchise—regardless of whether that exclusion is accomplished by property, education, or residence requirements. However, this explicit power to reduce a State's representation in the House of Representatives does not imply a Federal power to set uniform rules of voting qualifications, such as

sex, education, property, etc., applicable in all States. It seems to be quite clear that the proponents of the 14th amendment had no intention of depriving the States of their historic right to set voting qualifications because they were well aware that the States would never ratify such an amendment.

The congressional debates on the 15th amendment, particularly as they relate to the subject of educational requirements set by the States, clearly indicate that the participants regarded article I, section 2, of the original Constitution as being still in force and meaning what it says: "that the States have exclusive power to establish the qualifications of voters in national elections." The amendment was designed to limit the States power in one and in only one particular: The States can no longer deny the franchise for reasons of race, color, or previous condition of servitude. Consequently, the 15th amendment was never intended, directly, indirectly, or by any reasonable implication to empower the Congress to usurp the States constitutional power to establish electoral qualifications.

From what has been said, the inescapable conclusion seems to be that when a State requirement is fair and reasonable on its face, Congress has no specific grant or implied power from any combination of constitutional clauses to replace a valid State requirement with a substitute of its own choosing. In other words, if the present States statutes and constitutional provisions requiring a knowledge of English as a requirement for voting did not violate the 15th amendment or some other specific provision of the Federal Constitution, then any attempt of Congress to substitute a different qualification is unconstitutional on its face.

Madam President, I have read statements upon S. 2750 from able attorneys general and distinguished professors of law from all areas of the United States. They concur in the opinion that S. 2750 is unconstitutional.

Twenty-one States have laws making literacy a qualification for voting. The charge that such laws are complicated and do not create objective standards is without validity. On the contrary, they are simple in nature and furnish definite, objective, and practical standards for determining the literacy of applicants for registration. Moreover, the Supreme Court has held that such laws are constitutional and do not violate any provision of the Constitution of the United States.

Madam President, the foregoing statements need no further comment. They speak by themselves, in the language that every reasonable student of jurisprudence understands, logic. They are supported by precedents written by the greatest legal minds of our time. Again I ask that these decisions and the Constitution of the United States be respected in preserving the power of our States.

I was glad to hear the distinguished senior Senator from Oregon [Mr. MORSE] state that he did not believe the bill would ever come to a vote. I hope he is right in his belief. I hope the Senate will not permit this measure ever to come to a vote, because I do not believe there should be a vote on it at all. We ought not to be debating such a measure at this time because, as I see it, it is clearly unconstitutional.

Mr. STENNIS. Madam President, first, I commend the distinguished senior Senator from South Carolina [Mr. JOHNSTON] for the excellent speech he has made on this important subject. I heard all of his speech on a preceding day during this debate, and a part of his speech today. I commend him most highly, particularly in view of the fact that he is conducting his campaign in South Carolina and is also carrying on his senatorial duties in the Chamber.

Mr. JOHNSTON. I thank the Senator from Mississippi for his kind statement. It is true that I am conducting a campaign. I was in Orangeburg, S.C., last night. When I spoke there, it was about 10:30 o'clock. I caught a train at 12:40 last night in order to be present in the Senate today. I am pleased to be here. I hope I can always carry my share of the burden, regardless of whether I am in a campaign or not.

Mr. STENNIS. The Senator from South Carolina always carries his part of the load, and more, too. We thank him for the speech he has made today.

Madam President, to me there is rather bitter irony in the fact that the U.S. Senate is today solemnly and seriously debating a proposal to establish by law the proposition that the completion of the sixth grade would constitute the literacy and educational requirements for voting in Federal elections. In my view, this proposal is replete with irony, because I have always had the conviction that we should concern ourselves with raising the standards of responsible citizenship rather than debasing them.

My concern about this proposition is sharpened by the days and days and weeks and weeks I have recently spent as chairman of the Special Preparedness Subcommittee in listening to testimony concerning the inadequate knowledge which both civilians and servicemen have concerning our American way of life. Witness after witness has told us in no uncertain terms that one of the major problems presented in the troop information program lies in the fact that the young recruits come into service with a wholly inadequate knowledge of our form of government, its basic principles, and its traditions and heritage. I am constrained to believe that in this vital area we have failed to discharge our obligation to our youth.

In these perilous times, when our existence, our philosophy of life, and our form of government are being challenged and threatened throughout the globe by an enemy of vast and determined strength, it is disturbing to be told that our young people of today are not aware of the basic philosophic foundations of liberty and democracy and the true meaning of the hallowed and cherished traditions of our American way of life. If this is true of young people with high school educations, as we have been told it is, it is all the more true of those who have gone no farther than the sixth grade.

Many times on the floor of the Senate I have emphasized my belief that suffrage is not an unbridled right, but that it is a privilege which should be earned by the assumption of civic and political responsibility. Liberty itself carries with it certain inescapable obligations. In a sense it is like a coin. On one side there is imprinted the rights and privileges of a free individual; on the other, the corresponding responsibilities and obligations of citizenship. If an individual desires to receive all of the privileges of our democratic processes, he must shoulder the corresponding responsibilities.

Surely, one of these responsibilities is an intelligent, informed, and enlightened grasp and comprehension of the basis of our Government, the principles upon which it operates, the reasons for its greatness, and the foundation of its cherished traditions. At the very least, an individual bestowed with democracy's greatest weapon, the ballot, should be able intelligently to contrast our form of government with the governments of the tyrannical forces which threaten us with destruction.

It seems to me that we fail both ourselves and posterity when we concern ourselves solely, as does the proposal now under consideration, with increasing the quantity of those participating in Federal elections. It is of more importance to me that we take some affirmative and aggressive steps to insure that the quality of the electorate is improved and upgraded. Rather than diluting and downgrading the privilege of suffrage, I believe that we would serve our country better if we took steps to insure that every citizen, whether in or out of uniform, came to the realization that he has a personal stake in America and its traditions of liberty; that he also has a personal stake in the ideological struggle; that liberty and freedom are not self-perpetuating, but that they can be lost; and that our Government is not self-sustaining, but requires support and sacrifice.

All of us have said, in one form or another, that an informed electorate is the bulwark of democracy. However, when proposals of this nature come before the Senate, I have a rather uneasy suspicion that, in saying this, there were too many of us who were giving lipservice only to the word "informed." The philosophy behind the present proposal appears to eliminate altogether the word "informed," and to substitute, instead, the philosophy that a numerically increased electorate, no matter how uninformed, is a thing to be desired and is the solution to our electoral problems.

However, all of us know that there is no substitute for judgment, and that judgment flows only from information, experience, and knowledge. If an individual who is suddenly handed the ballot does not have the informed judgment, the responsibility, and the knowledge to use it in a proper and politically responsible manner, then we shall have done the country a disservice by bestowing upon him the privilege of voting.

As I have said, my convictions in this area have been greatly reinforced by the testimony on the adequacy of troop information which has been presented to my special subcommittee. This conviction is, simply stated, that before a person is worthy of the privilege of voting, he should have a positive belief in the merits and advantages of our democratic way of life, and also a sense of personal dedication to our country. These things can be acquired only by adequate knowl-

edge of the fundamental basis of our system of government.

Instead of providing that 6 years of formal schooling constitute a sufficient literacy test, we should be providing more effective methods of indoctrinating our people, both our youth and our adults, on the fundamentals of our system of government. More emphasis should be placed on the responsibilities of the individual in our system, and on the fact that the fulfillment of these responsibilities is necessary if our freedom and liberty are to continue. This emphasis could be supplied by an increased emphasis in our schools, and also at the civic-club level, where adult schools and courses in civics should be regularly sponsored and held. Our people at large have not yet been given a full understanding of our Constitution and what it means to the individual. If this understanding existed, this bill would not be seriously considered, because it is a clear violation of the Constitution itself.

Madam President, later I shall speak more at length; but at this time I wish to emphasize an added point. When an individual violates a provision of the Constitution, there is a remedy at law to restrain him; and usually this is promptly done. If a State of the United States, or any subdivision thereof, violates a constitutional provision, there is a remedy; and correction is usually made. But when the Congress violates our Constitution, there is usually no remedy, for presumptions in favor of Congress are often indulged by the courts. So it is the Congress that is the guardian of the rights of the people under the Constitution.

Madam President, under our oaths and under our entire system of government, we have no power or legal right, and certainly no moral right, to transcend what in our judgment is the extent of our constitutional powers and prerogatives. But certainly this bill would abandon the Constitution. In the Constitution there is no authority or no foundation for the enactment of this bill.

Madam President, I yield the floor.

REDS FAIL TO GAIN IN AFRICA

Mr. HUMPHREY. Madam President, in the United States there has been a growing concern over the possibility that an anti-United States, anti-Western Afro-Asian bloc would develop in the United Nations. Miss Marguerite Higgins, one of the most able, talented, and experienced foreign correspondents, has analyzed this situation, and has come to the conclusion that communism has failed to make significant gains in Africa. Furthermore, fears of an anti-Western Afro-Asian bloc have not developed or materialized.

This is most reassuring, particularly as there is a growing concern over the future of the United Nations and the role of the United States in the United Nations.

An article by Miss Higgins appeared in the Minneapolis Star of April 11. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Minneapolis Star, Apr. 11, 1962]

REDS FAIL TO GAIN IN AFRICA—FEARS OF ANTI-WEST AFRO-ASIAN BLOC DON'T MATERIALIZE

(By Marguerite Higgins)

WASHINGTON.—Propelled by crisis, Washington officialdom has not had time of late to pause for even a first hurrah concerning a most important crisis that did not happen. This was the communism-in-Africa crisis.

Despite widespread fears to the contrary, it now appears that the overwhelming majority of the new Africa is determined—so far—to stay this side of the Red paradise.

Failing to materialize are:

1. Fears that the 20 new African states entering the United Nations as the result of black Africa's sudden fragmentation into nationhood would be pushovers for Communist influences. Only Mali has gone the way of Ghana and Guinea, both of which incidentally are far less wide-eyed about the Soviet bloc nowadays than they once were.

2. Predictions that in the United Nations the new Africa would fuse into an Afro-Asian bloc that would in turn gang up on the West on key issues.

So far as the United Nations is concerned it is significant that the majority of the Afro-Asian bloc ended up voting with the United States even on the procedural issue involving the admission of Red China. But this was by no means a monolithic vote. Indeed so far as the newest African states are concerned, there has been no completely predictable pattern of reasoning for the yeas, nays, and abstentions in the last year.

It has been the 12 new nations of French West Africa—the so-called Brazzaville states—who have most consistently voted with the United States. But even here there has been no steady pattern. Thus there is no such thing as an African bloc so far as U.N. voting is concerned.

Even Egypt has contributed to Africa's reputation for refusing to be typed. This happened for example when—to everyone's astonishment—Egypt voted against the Soviet bloc motion to seat Communist North Korea in the United Nations.

And on Russia's colonialism resolution calling for every nation to be free by 1963, the majority of African nations refused to go along, although most, as has been a habit, evaded the issue by abstaining.

In Africa itself, the Communists have failed countless missions even in the north where flirtations seemed at one time most likely to wind up in serious political romance.

Morocco is a case in point. This spring the Kremlin thought enough of trying to win friends and influence in Morocco to send Marshal Rodion Y. Malinovsky, Soviet Defense Minister, on a special mission there. It was no doubt of some interest to the Russians that at the time of the visit—mid-March—all 12 members of the Algerian provisional government were scheduled to be meeting in Rabat, the Moroccan capital.

Whatever Moscow's targets, the facts are that the Soviet marshal cut short his visit March 20 and flew home without having made an arms deal with either the Moroccans or the Algerians.

In the vast reaches of newly free black Africa, the miracle is that despite weirdly drawn national boundaries, tribal rivalries, etc., peace has been kept except of course in the Congo.

Outside the Congo, moderation and stability have been the rule at the price, it must be admitted, of a certain degree of authoritarianism and it has been accompanied, in most places, by outspoken wariness of Communist efforts to penetrate the area.

In former French and British territories, these attitudes and this progress have been made possible by the enormous financial and administrative help of the former colonial powers. But the new African leadership has had the commonsense to welcome this aid rather than resent it.

Overwhelmingly the leadership of black Africa today remains precisely those personalities who were in charge at the time of nationhood. If anything, their positions are now stronger and more secure than they were.

And as President Sylvanius Olympio, the learned and businesslike President of tiny Togo, recently put it, "We know that it takes a certain calm at home to keep aid and finances flowing our way. We know that we have won the battle of colonialism with the European powers. We see not the slightest sign that they want to reopen the battle. To the contrary, will history not show that perhaps President De Gaulle was the most courageous anticolonialist of all? Of the Russians, we have heard much but know little directly.

"But we do not wish to battle colonialism again in any form including eastern. And while we do not wish to offend the Russians, we do not wish to take the risk of trying to please them too much."

PROPOSED ESTABLISHMENT OF YOUTH CONSERVATION CORPS

Mr. HUMPHREY. Madam President, pending on the Senate Calendar is my proposal for the establishment of a Youth Conservation Corps, designed to employ young men between the ages of 17 and 21. This proposal has broad public support, and is receiving endorsements from a variety of groups and organizations.

Recently, the National Jewish Welfare Board at its annual meeting endorsed this proposal.

I ask unanimous consent that an article concerning this endorsement of the Youth Conservation Corps be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Minneapolis Morning Tribune, Apr. 9, 1962]

CONSERVATION CORPS URGED FOR U.S. YOUTH

MIAMI BEACH, FLA.—The National Jewish Welfare Board Sunday called for a National Youth Conservation Corps for those between 17 and 21 who would work "on Federal, State, and local conservation projects."

The resolution, adopted at the closing session of the national biennial convention, said the youths should be given "opportunities for education and training to be provided by local educational authorities."

The board also called for strengthening the Federal social security system to include health care benefits for older adults on the basis of "earned rights acquired through contributions to the social insurance fund."

Other resolutions endorsed Federal training grants for students and grants for schools to finance the training of social workers for public welfare programs, the Peace Corps, "for its policy of nonreligious indoctrination of any kind." And appointment of social welfare attachés in U.S. embassies to aid in dealing with social welfare problems.

Another resolution called for "a series of Federal legislative, social planning, and administrative steps aimed at prevention, control, and treatment of juvenile delinquency by appropriate private and governmental social welfare agencies."

Solomon Litt, of New York, N.Y., was reelected president and Walter D. Heller, of San Francisco, Calif., was named a vice president.

THE AREA REDEVELOPMENT ADMINISTRATION

Mr. HUMPHREY. Madam President, today the Area Redevelopment Administration marks its first anniversary. However, although it was established a year ago, it did not receive its appropriations from the Congress until September 30, 1961. So, in effect, it has been operating for only 7 months.

The program is designed to help revitalize the economies of areas plagued by substantial unemployment or underemployment, or by low farm or family income. A total of 148 urban-industrial areas, 735 rural and small labor markets, and 50 Indian reservations are eligible at present to take part in the program. These areas have a population of 34.7 million people and a labor force of 13.2 million, of whom the equivalent of more than 1.4 million are unemployed. In other words, these areas have 19 percent of the Nation's population and 19 percent of the labor force, but they have 31 percent of the unemployment in the United States.

Average unemployment in the redevelopment areas is in excess of 10 percent, as against 5.5 percent nationally; and some of these areas have joblessness running as high as 20 or 30 percent. In the underemployment areas, the medium family income is less than $1,560, and the medium farm family income is less than $1,170.

The basis on which the area redevelopment program is built is local initiative. Before the Federal Government can help the redevelopment areas help themselves, representative local groups must plan long-range economic programs in order to avoid any hit-or-miss approach to the economic problems. In the first year, locally conceived economic plans have been submitted by 535 areas and 22 Indian reservations—more than 60 percent of all of the areas designated. Of these, the ARA has approved plans from 431 areas and 12 Indian reservations.

A total of 40 financial assistance projects have been approved, involving an investment of $10.8 million in Federal funds, to help create an estimated 10,716 direct new jobs in industry, and 7,500 indirect jobs in trades and services. Out of this total Federal investment, $8.2 million is in the form of loans which will be repaid, with interest, to the Treasury. The Federal investment stimulated additional local private and public investment of $26.7 million in the same projects.

Behind these approved projects are many more in the pipeline. An additional 202 financial assistance projects, involving $94 million in Federal funds, 37,000 direct new jobs, and an estimated 26,000 indirect jobs, currently are being processed; and an additional 488 promising projects currently are being developed at the community level. In addition, 533 job-creating projects on which ARA assisted communities have been referred to other Federal agencies, to be handled under existing programs.

A total of 33 technical-assistance projects, involving $758,650, have been approved. Their purpose is to finance research studies by universities, private firms, and Government agencies, to help break bottlenecks which have impeded economic progress.

Approval has been given to a total of 89 retraining projects, involving $4.6 million, to help 7,666 worker-trainees acquire new skills in growing occupations.

By the end of the fiscal year 1962, the ARA expects to have approved financial assistance projects that will create an estimated 30,000 direct new jobs and 21,000 indirect jobs, and to have programs approved to retrain 15,000 unemployed workers.

This will provide a start toward solving a major domestic problem. To bring unemployment down to a 4-percent level in the areas designated as eligible because of substantial and persistent unemployment will require the creation of 660,000 direct and indirect new jobs. To make up the underemployment deficiency in the other designated areas will require an estimated additional 300,000 direct and indirect jobs.

This can be accomplished, given a continuance of the partnership of private enterprise, the communities, the States, and the Federal Government, which has existed in the first year of the Area Redevelopment Administration.

LAW DAY, U.S.A.

Mr. HUMPHREY. Madam President, today is Law Day, a day set aside by the Congress, on which we rededicate ourselves to the role of law in the promotion of order, equality, justice, and peace—both here at home and in affairs between nations.

What sharper contrast could there be between our May 1 Law Day ceremonies and the May Day celebrations taking place today in the Communist world.

While we emphasize law, in place of force, Communist nations emphasize the power of their military juggernaut. The United Press International reports from Moscow:

> The Soviet Union will celebrate May Day * * * with the traditional military parade through Moscow's Red Square. The parade was expected to emphasize, as usual, the country's military might.

The Associated Press reports from Berlin:

> In Communist-ruled East Berlin, tanks and guns of the East German Army will rumble through Marx-Engels Platz.

While the American Bar Association, through its special committee for world peace through law, is sponsoring international conferences of lawyers from over a hundred countries, to explore the ways and means of developing world law, the Communists continue to throw every conceivable roadblock into the path of a just peace based upon a system of law.

While the United States in the disarmament talks at Geneva works for a disarmed world under rules of law enforced by the United Nations peace force, the Communists stubbornly reject such proposals.

While the United States supports the International Court of Justice as the arbiter of international disputes, the Communist countries without exception reject this world tribunal's authority.

But despite the refusal of the Communists to work for a peaceful world order founded upon principles of justice, through an established system of law, the United States must continue to lead the way in finding the means to substitute law and order for brute force, in settling disputes between nations.

We can take pride in the fact that our country has been working untiringly for a world of law. We can take pride in the fact that our legal profession supports these efforts, and is playing an ever more active role in their promotion.

Today, being Law Day, seems an appropriate time to remind my Senate colleagues that we in this body have an opportunity to make an important contribution toward our country's efforts to promote world law. I refer to my resolution, Senate Resolution 39, which would repeal the so-called Connally amendment to our declaration of acceptance of the jurisdiction of the World Court. What better way to give evidence of our sincerity in the promotion of a world of law.

In conclusion, Madam President, I ask unanimous consent that editorials on Law Day from today's Washington Post and New York Times be printed at this point in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 1, 1962]

LAW IN PLACE OF FORCE

Law Day, which is expected to generate more than 100,000 programs throughout the Nation today, is an expression of the almost universal yearning for an orderly world. The idea of emphasizing the role of law in the promotion of world peace, in contrast to the Communist displays of military might on May 1, originated with the American Bar Association 5 years ago when Washington Attorney Charles S. Rhyne was its president. Today the occasion is especially significant because the systematic movement to substitute law for force in the settlement of human disputes has become worldwide.

Mr. Rhyne and his ABA committee have, in the last 10 months, brought together more than 10,000 lawyers from 109 countries into 4 continental conferences in search of ways and means of developing world law. The eager participation of statesmen, diplomats, judges, professors, experts in international law and eminent lawyers is ample proof of serious intent. While the results of the continental conferences in San Jose, Tokyo, Lagos, and Rome are not yet accurately measurable, the mere mobilization of legal thinking on a problem of this magnitude is a notable achievement.

Foremost among the facts that these conferences have highlighted is the present paucity of world law. Except for the law of the sea, diplomatic immunity and the Postal Convention, there are no universal laws. In the face of national armed forces capable of virtually destroying mankind, the machinery for making world law is pathetically cumbersome and faltering. Even some of the widely respected instruments for judicial settlement of international disputes, such as the World Court, are little used.

The lawyers who have gone to work on these problems in virtually every country are not laboring under the illusion that they can suddenly displace the grim realities of atomic power by setting up courts of justice. But they have found many areas in which the orderly adjustment of differences can contribute to the cause of peace. Their influence is being used to help strengthen regional organizations, the United Nations and the World Court. Noting the success of the European Court of Justice in settling more than 100 disputes, they are campaigning for the creation of regional courts for the Americas, Asia, and Africa.

Some groups are working for the ratification of regional treaties that have too long been neglected by national governments. Others are giving a boost to the European Common Market and similar hopeful projects. An attempt is being made to codify international law to make it more useful and meaningful. Next year a World Law Conference will be held in New Delhi to center attention in a still more dramatic way upon the need for expansion of international law and creation of agencies to make it effective. Agreement has also been reached to create a World Law Center, which would foster research in international law and serve as a clearinghouse for information in this field.

Sponsors of this hopeful movement recognize that it is still in its infancy. Its significance lies in the fact that lawyers are at last recognizing their global responsibility. Certainly their aim of enabling men to walk in freedom, in dignity and in peace anywhere on earth should enlist the support of every thoughtful member of the profession.

[From the New York Times, May 1, 1962]

FOR A WORLD OF LAW

As decreed by law enacted by Congress, the United States observes today with appropriate ceremonies its fifth "Law Day, U.S.A." In contrast to the Communist perversion of the traditional spring festival of May Day for purposes of both domestic and international class war, the day is set aside here to rededicate the American people to the ideals of equality and justice under law at home and between nations. But the day acquires special significance this year because of the American disarmament proposals envisaging a disarmed world that will be ruled by law enforced by a United Nations peace force.

This goal is still far distant. For the moment, when new nuclear explosions shake the skies, peace and a semblance of international order still depend on a delicate balance of power between East and West. But numerous beginnings toward the creation and codification of international law have already been made, especially by organs of the United Nations. Unfortunately, because the Communists scorn the West's traditions, principles and jurisprudence as products of its ruling class, and at Geneva reject the very concept of a peaceful world and a peace force, little progress has been made.

That is why the American Bar Association, through its special committee on world peace through law, backs other continental conferences espousing the cause and why it presses for a world law day to be proclaimed by a world conference next year. The purpose will be to develop a world law code for the World Court, to establish regional and special tribunals and to back new treaties and conventions.

There is general recognition, however, that a world ruled by law will also be ruled by politics, and that it therefore requires three institutions—a legislature which can make world laws to assure peaceful change, an executive to enforce them, and a court to interpret them. The United Nations is a still embryonic form of all three. Its charter is already a kind of world constitution and its General Assembly passes resolutions applying it to specific cases. It is even developing into an executive agency able to enforce its laws in cases like the Congo. But it is unable to enforce them against larger powers. And its World Court is hamstrung by our own Connally reservation enabling this country to reject the court's jurisdiction whenever the issue involved is deemed domestic.

This reservation encourages the Communists to reject the Court and prompts other nations to follow our example. That is why a repeal of this reservation must be one of the first steps toward a world of law.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. LONG of Louisiana. Madam President, for a number of days now we have been engaged in the consideration of proposals which the proponents describe as being designed to protect the right to vote. But a great deal more than just protecting the right to vote is involved in the proposed legislation to establish a literacy standard for voting. These proposals seek to establish a Federal literacy standard for voting. As such, the issue presented goes to the heart of our constitutional system. Senators are reminded that the Constitution of the United States is supposed to be the supreme law of the land. Until changed by the amending processes set forth in the Constitution, the law of the land clearly prohibits the kind of legislation which is being presented to the Senate at the present time.

It is true that it is far easier to pass laws than it is to amend the Constitution according to the orderly procedures set forth therein. But this is no excuse or justification for the pending proposal. The amending process was made difficult with a purpose, and there is no justification for ignoring the Constitution. If it is felt by civil rights advocates that a change in the fundamental law of this country is necessary, then the regular procedures for amending the Constitution should be followed.

The constitutional provisions with regard to the qualifications of voters were put together with a great deal of care. As a matter of fact, the proper method of determining these qualifications was a major issue during the debates of 1787.

Several prominent delegates to the Convention took entirely different views of how this matter should be resolved. For example, James Madison felt that a definite statement of qualifications should be written into the Constitution. So did Gouverneur Morris, who wanted a uniform rule of landowner voting. Jefferson wanted a rule whereby either property owners or persons who paid taxes could vote. All of these men felt that the document itself should set forth qualifications for voting.

Others differed. Oliver Ellsworth felt that attempting to set down rules of suffrage in the Constitution itself might mean that they would be unable to get the document approved. Others felt the same way.

Finally the Committee on Detail recommended the provision which is now found in article I, section 2 of the Constitution—that qualifications for voting for Members of Congress should be the same as for voting for the most numerous branch of the State legislature.

The "Federalist Papers" dealt at great length with this constitutional provision. In No. 52, James Madison wrote:

The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent on the Convention, therefore, to define and establish this right in the Constitution. To have left it open for the occasional regulation of the Congress would have been improper for the reason just mentioned. To have submitted it to the legislative discretion of the States would have been improper for the same reason; and for the additional reason that it would have rendered too dependent on the State governments that branch of the Federal Government which ought to be dependent on the people alone. To have reduced the different qualifications in the different States to one uniform rule would probably have been as dissatisfactory to some of the States as it would have been difficult to the Convention. The provision made by the Convention appears, therefore, to be the best that lay within their option. It must be satisfactory to every State, because it is comfortable to the standard already established, or which may be established by the State itself. It will be safe to the United States because, being fixed by the State constitutions, it is not alterable by the State governments, and it cannot be feared that the people of the States will alter this part of their constitutions in such a manner as to abridge rights secured to them by the Federal Constitution.

In "Federalist 59," Alexander Hamilton further stated:

It will not be alleged that an election law could have been framed and inserted in the Constitution which would have been always applicable to every probable change in the situation of the country; and it will therefore not be denied that a discretionary power over elections ought to exist somewhere. It will, I presume, be as readily conceded that there were only three ways in which this power could have been reasonably modified and disposed; that it must either have been lodged wholly in the National Legislature, or wholly in the State legislature, or primarily in the latter and ultimately in the former. The last mode has, with reason, been preferred by the Convention. They have submitted the regulation of elections for the Federal Government, in the first instance, to the local administration; which, in ordinary cases, and when no improper views prevail, may be both more convenient and more satisfactory; but they have reserved to the national authority a right to interpose, whenever extraordinary circumstances might render that interposition necessary to its safety.

Suppose an article had been introduced into the Constitution empowering the United States to regulate the elections for the particular States, would any man have hesitated to condemn it, both as an unwarranted transportation of power and as a premeditated engine for the destruction of State government?

Note well these words of Alexander Hamilton. He is saying that if the National Government had been given the power to regulate elections in the States, everybody would have unhesitatingly condemned this provision, "as an unwarranted transportation of power, and as

a premeditated engine for the destruction of State government." He continues:

The violation of principle, in this case, would have required no comment; and to an unbiased observer it will not be less apparent in the project of subjecting the existence of the National Government in a similar respect to the pleasure of the State governments. An impartial view of the matter cannot fail to result in a conviction that each, so far as possible, ought to depend on itself for its own preservation.

Later, in "Federalist 60," Hamilton had more to say on this subject:

Its—

He is speaking of the power of the National Government—

authority would be expressly restricted to the regulation of the times, the places, the manner of elections. The qualifications of the persons who may choose or be chosen, as has been remarked on other occasions, are defined and fixed in the Constitution, and are unalterable by the Legislature.

When Hamilton said that the qualifications of the persons who may choose are defined and fixed in the Constitution, he meant that the Constitution fixes these qualifications at whatever the qualifications for voting for members of the most numerous branch of the State legislature are in the various States. Note that he follows this assertion by stating that these qualifications "are unalterable by the Legislature." When he speaks of the Legislature, he has reference to the Congress, which is today engaged in trying to do exactly what he says we may not do.

Further historical background on this subject of the proper authority for providing voter qualifications may be gained from a study of a very fine text on American Government, the "Introduction to American Government," by Frederick A. Ogg and Orman Ray. In the chapter "The People as Voters," this book states:

The makers of the National Constitution might easily have provided for a uniform national suffrage, distinct from the suffrage systems existing in the several States, as did the authors of the federally organized German empire created in 1867–71. But they chose, as did the framers of the constitution of the Swiss confederation, to utilize for national purposes such electoral arrangements as each State had made, or might subsequently make, for its own use; and hence, until 1870, the Constitution's sole provision on that subject was that persons voting for Members of the lower House of the Congress should, in each State, have "the qualifications requisite for electors of the most numerous branch of the State legislature." The 15th amendment, adopted in the year mentioned, imposed the first direct constitutional restraint upon the States in this manner by forbidding any State (or the United States) to deny or abridge the "right" of citizens of the United States to vote "on account of race, color, or previous condition of servitude." The 19th amendment, adopted in 1920, laid a further restriction by forbidding any State (or the United States) to deny or abridge the "right" to vote "on account of sex." Limited only by these restraints, every State, in its constitution and laws, regulates suffrage qualifications as it desires. The two amendments tend to produce uniformity as far as they go; and their effects—especially in the case of the woman suffrage amendment—have been far reaching. Plenty of room is left, however, for variation, and hardly any two States will be found with precisely the same arrangements.

Some further insight into the historical background of the matters we are considering can be gained from a study of the opinion of the Supreme Court in the case of *Minor* v. *Happersett*, 21 Wallace 162. This opinion contains a detailed analysis of the various State requirements for voting at the time the Constitution was adopted. Pertinent excerpts follow:

When the Constitution of the United States was adopted, all the several States, with the exception of Rhode Island, had constitutions of their own. Rhode Island continued to act under its charter from the Crown. Upon an examination of these constitutions, we find that in no State were all citizens permitted to vote. Each State determined for itself who should have that power. Thus in New Hampshire, "every male inhabitant of each town and parish with town privileges, and places unincorporated in the State, of 21 years of age and upwards, excepting paupers and persons excused from paying taxes at their own request," were its voters; in Massachusetts, "every male inhabitant of 21 years and upwards, having a freehold estate within the Commonwealth of the annual income of three pounds, or any estate of the value of sixty pounds"; in Rhode Island, "such as are admitted free of the company and society of the Colony"; in Connecticut, such persons as had "maturity in years, quiet and peaceable behavior, a civil conversation, and forty shillings freehold or forty pounds personal estate"; if so certified by the selectmen in New York, "every male inhabitant of full age who shall have personally resided with one of the counties of the State for 6 months immediately preceding the day of election * * * if during the time aforesaid he shall have been a freeholder, possessing a freehold of the value of twenty pounds within the county, or have rented a tenement therein of the yearly value of forty shillings, and been rated and actually paid taxes to the State."

The opinion continues to outline the rather detailed property qualifications for voting in all of the States which were part of the Union at the time the Constitution was adopted. At the conclusion of this detailed analysis of these qualifications, the opinion continues:

In this condition of the law in respect to suffrage in the several States, it cannot for a moment be doubted that if it had been intended to make all citizens of the United States voters, the framers of the Constitution would not have left it to implication. So important a change in the condition of citizenship as it actually existed, if intended, would have been expressly declared.

But if further proof is necessary to show that no such change was intended, it can easily be found both in and out of the Constitution. By article IV, section 2, it is provided that "The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States." If suffrage is necessarily a part of citizenship, then the citizens of each State must be entitled to vote in the several States precisely as their citizens are. This is more than asserting that they may change their residence and become citizens of the State and thus be voters. It goes to the extent of insisting that while retaining their original citizenship they may vote in any State. This we think, has never been claimed. And again, by the very terms of the 14th amendment, "Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof is denied to any one of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in the rebellion or other crimes, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State." Why this, if it was not in the power of the legislature to deny the right of suffrage to some male inhabitants? And if suffrage was necessarily one of the absolute rights of citizenship, why confine the operation of the limitation to male inhabitants? Women and children are, as we have seen, "persons." They are counted in the enumeration upon which the appropriation is to be made, but if they were necessarily voters because of their citizenship unless clearly excluded, why inflict the penalty for the exclusion of males alone? Clearly, no such form of words would have been selected to express the idea here indicated if suffrage was the absolute right of all citizens.

The opinion goes on to point out several other constitutional anomalies which would result from acceptance of the assertion that the right to vote is guaranteed by the Constitution to all citizens. The case concludes with these words:

Being unanimously of the opinion that the Constitution of the United States does not confer the right of suffrage upon anyone and that the constitutions and laws of the several States which commit that important trust to men alone are not necessarily void, we affirm the judgment of the court below.

In my judgment the Happersett case is important both because it establishes a constitutional principle important to the present debate—that is, that the Constitution never intended to confer the right of suffrage upon everyone—and because it gives us an example of the kind of thinking which legal scholars of only a few years ago engaged in. Sometimes it is well for us to realize how far we have traveled away from the kind of governmental system and the kind of philosophy which the framers of the Constitution, and others of our distinguished predecessors, envisaged.

Madam President, the literacy test bills which the Senate is now considering would violate three basic provisions of the Constitution of the United States. They would violate article I, section 2 of the Constitution, which provides:

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

These bills would also violate the 17th amendment to the Constitution:

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the quali-

fications requisite for electors of the most numerous branch of the State legislatures.

The proposed legislation would also violate the 10th Amendment to the Constitution, which protects the power of the States by reserving to the States or to the people all those powers not specifically delegated to the Federal Government. As has been demonstrated, this provision protects the rights of the States to fix voter qualifications, by reason of the simple fact that nothing anywhere else in the Constitution delegates any such power to the Federal Government. Claims to the contrary are variously based upon article I, section 4 of the Constitution, or upon the 14th and the 15th amendments. My distinguished Southern colleagues have demonstrated the unwarrantability of such claims. I will also comment briefly upon them in due course.

A cogent statement of the unconstitutionality of these proposals is found in a recent editorial from, of all places, the New York Herald Tribune. The editorial is entitled "Literacy Bill Would Infringe States Rights." It reads as follows:

The literacy-test bill on which Senate debate begins today is one of those many which would employ bad means to achieve a good end.

The good end in this case is a breaking down of racial barriers to voting; the bad means are a too sweeping, too arbitrary, and seemingly unconstitutional invasion of the States rights to set voting standards.

The Constitution explicitly gives this right to the States, even for Federal elections. The bill would limit their authority by providing that no one otherwise qualified could be denied the ballot "on account of his performance in any examination, whether for literacy or otherwise," provided he had a sixth grade education.

The reason, of course, is that many Southern registrars have egregiously abused literacy tests. The rationale is that anyone with a sixth grade education can be presumed able to read and write.

But the effect of this is to deny States the right to require any more than bare literacy, which is about all a sixth grade education is presumptive evidence of.

Most States are satisfied with such a requirement. But those which might prefer to set their standards higher ought to be free to do so—as the Constitution clearly entitles them to do, provided they apply the standard without discrimination as to sex or race. The mere fact that a man has a rudimentary knowledge of how to read and write, after all, hardly makes him competent to pass on issues of state.

One particularly pernicious provision of the bill would strike down New York State's requirement of literacy in English, by making 6 years schooling in Puerto Rico the legal equivalent of a literacy test. There is nothing arbitrary or unreasonable in requiring that voters be familiar with the language of government, which is also that of the candidates among whom they must choose.

New York's large Spanish-speaking population makes this a local issue of some moment. To claim these people are discriminated against in voting the same way that Negroes are in the South is nonsense. All are welcome to vote if they trouble to learn English. But it quite properly is up to them to learn the language of the community first, as many do and all can.

The need for breaking down racial barriers to voting is real and urgent. As a practical matter, this bill would go a long way toward their elimination. But by striking at the use of literacy tests rather than merely their abuses, it would throw out the baby with the bath water. It infringes the constitutional prerogatives of the States; to claim that it does not set voter standards by congressional fiat is an exercise in sophistry.

Congress' proper aim should not be to set standards for voting, but to tighten enforcement procedures to insure that whatever standards are set are applied fairly and equally to all.

I certainly do not agree with everything that it stated in the editorial I have just read. In many respects, it is an example of the kind of thinking on the part of northern civil rights advocates which we southerners have learned through hard experience to thoroughly deplore. The assertion, for example, that New York is not discriminating against its Spanish-speaking population is nonsensical. Certainly if these people are not allowed to vote merely because of their language, they are being discriminated against. Congress, however, is not concerned primarily with this kind of discrimination, although it would appear to be a serious evil.

Contrast the situation in New York with that in Louisiana. The State of Louisiana does not see fit to impose an English-language requirement for voting upon her citizens. Many Louisianians who speak only French—and I might add, many colored Louisianians who speak only French—go to the polls every election day.

But despite my disagreement with this particular facet of the Tribune editorial I have just read, it does make a good case of the unconstitutionality of the proposals before us. As brought out by the editorial, the end never justifies the means. As a matter of actual fact, there is absolutely no need for proposals of this kind. The Department of Justice has enough weapons in its arsenal to compel any Southern State to do just about anything the Department would like. But even assuming for the purposes of argument that there were a need for legislation of the kind we are here considering, our system and philosophy of government does not and cannot afford to accept the premise that the end justifies the means. To accept such a premise would mean that we would no longer be operating under a constitutional system, a government of laws.

As I have pointed out, the State of Louisiana disagrees rather thoroughly with the State of New York as to the desirability of English-language requirements for voting. We in Louisiana do not feel that such requirements are at all desirable, while the State of New York sees fit to disenfranchise thousands of Puerto Rican-born Americans by the use of this device.

But, while we in Louisiana may disagree with New York on this subject, we are not seeking to compel the State of New York to change her ways. We are not seeking to push legislation through the Congress which is aimed at the State of New York. As a matter of fact, the bills which are being considered would affect this requirement of New York law. But it is well to remember that it is not a militant South which is pushing these bills. Southerners are content to rely upon the Constitution of the United States. We are aware that the Constitution leaves the matter of voter qualifications to the States. We are more than content to leave it that way. I am at a loss to understand why others are not willing to pursue the same kind of thinking.

This matter of New York's English-language requirement for voting is a useful means of illustrating the constitutional principle which we southerners are trying to get across during these debates. Last October, a three-judge court in New York upheld the constitutionality of this New York law, despite the fact that it disenfranchises several hundred thousand Spanish-speaking citizens. In its decision, the court stated:

What is more proper than that the voter be literate in the language used to conduct the business of government in this State?

It is not unreasonable to expect a voter not only to be conversant with the issues presented for determination in choosing between candidates for election, but also to understand the language used in connection with the voting.

For example, there are printed in English on the ballot synopses of proposed constitutional amendments, titles of the offices to be filled, and directives as to the use of the paper ballot or the voting machine.

If southerners wanted to take the same tack that other Members of this body appear to desire to take, we could ask why the State of New York could not print these instructions on the ballot in Spanish, in those areas where there are large concentrations of Spanish-speaking citizens. We might even decide to introduce a bill to compel New York to do that. But, as I have stated, we do nothing of the kind, because we believe that the Constitution of the United States means what it says when it leaves the matter of qualifications for voting to the States.

On October 26, 1961, shortly after the above decision of the three-judge court was handed down, the New York Herald Tribune printed another editorial which has bearing on the subject under discussion. This editorial was titled "A Fair Requirement for Voters." It read as follows:

In upholding New York State's requirement that literacy tests for voting be taken in English, a three-judge Federal court showed good sense.

Proof of literacy is certainly a fair requirement for voting. The electorate is ill-informed enough as it is, without opening the polls indiscriminately to those who can't even read and write. And if the point of a literacy test is to establish some minimum standard of competence to pass on community affairs, there is nothing arbitrary or capricious in requiring literacy in the language of the community.

The case before the court was brought by Jose Camacho, a Puerto Rican-born Bronx grocer who argued that he should be allowed to take the test in Spanish. It had a good deal of potential significance for the Puerto Rican community here. Unlike other foreign language groups, the Puerto Ricans come to New York as citizens; only residence and language requirements bar most from voting as soon as they arrive.

The English-language specification does disenfranchise many Puerto Ricans who are fully literate in Spanish. Estimates of the

number affected range to 200,000. In its 1959 report, the Civil Rights Commission declared that "Puerto Rican-Americans are being denied the right to vote, and * * * these denials exist in substantial numbers in the State of New York."

These 200,000, however, are perfectly free to vote as soon as they meet the same standards that apply to everyone else. New York's is not a systematic disenfranchisement of Puerto Ricans as such. They have an important role to play in the future political life of city and State. Their participation is welcome. But only on terms of equality—not by a special dispensation which would have the effect of perpetuating, and institutionalizing, a separation by language within the city.

A standard—any standard—is inherently discriminatory. But languages can be learned; there is ample opportunity in New York to learn English. And, as the court asked rhetorically in its ruling, "What is more proper than that the voter be literate in the language used to conduct the business of government in his State?"

Madam President, one statement in particular in this editorial is worth analyzing. The editorial states: "New York's is not a systematic disfranchisement of Puerto Ricans as such." This statement seems to me to contain implications which should be looked into further.

I would guess that many of the proponents of the bills we are now considering in the Senate would attempt to differentiate the situation which exists in New York with regard to the Pureto Ricans from situations which they imagine to exist in the South with regard to the Negro by making a statement similar to the one just quoted. The statement, of course, implies that in other areas—namely, in the South—there is systematic disfranchisement of Negroes as such. It is this implication with bears analysis.

The system of government under which we live embraces a court system which everyone will admit is an essential adjunct to what we in the Anglo-American legal tradition have come to regard as justice. One of the bulwarks of justice in the courts is the strictness of the requirements of proof. Hearsay evidence, for example, is excluded. The methods by which a given fact may be proven to the satisfaction of a court of law are relatively few, and relatively difficult. There are good reasons for the stringency of these requirements. In a criminal proceeding the life or liberty of a human being is at stake. In civil proceedings, the property of individuals will be at stake.

But we who are Members of the National Legislature have a function to perform which is at least equal in importance to the function performed by courts of law. They decide individual cases, which usually have great importance to the particular litigants involved, and only secondary importance to the remainder of the population. We in the Congress, on the other hand, are called upon to lay down rules of general application, which will usually have great importance to many thousands of people.

The point I am coming to, Madam President, is that, given the great importance of the job that we in the Nation's Congress are supposed to be doing, it seems strange that we are willing to accept hearsay evidence, and to act upon it. The editorial just quoted assumes that there is systematic disfranchisement of Negroes in the South. Those who introduced and who support the proposals we are now considering are proceeding, it seems to me, on the same assumption. But where is the proof that this is true? Where is the proof, Madam President? There is nothing more than hearsay evidence before the Congress to the effect that any such situation exists.

The reason why there is no credible evidence before us is simple. There is no truth in it. The assumptions which are being proceeded upon are false. No such systematic disfranchisement exists.

Madam President, the argument that these bills would be unconstitutional cannot be too strongly put. If the framers of the Constitution were sound in their view in 1789 that voting should be kept in the hands of the States, what has transpired to render that view no longer sound today? To give the Federal Government control over the machinery of elections, they felt, might well lead to Federal choosing of the candidates and the Representatives. If there was any merit to that view, would not the same danger be present today?

The 10th amendment to the Constitution reads:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Since there is nothing anywhere in the Constitution which delegates to the Federal Government any power whatsoever with regard to fixing the qualifications for voters, it would follow that this power is by the Constitution reserved to the States.

Proponents of this measure rely upon the 14th and 15th amendments in their claim for constitutionality. My distinguished southern colleagues have demolished these claims to my satisfaction, and, I would think, to the satisfaction of most who are familiar in the least with the Constitution. As has been repeatedly pointed out in these debates, there is a great body of case law in our law books which clearly establishes that it is solely the prerogative of the States to set literacy standards for voting. These cases clearly establish that to do so is within the rights of the States. *Lassiter* v. *Northampton Election Board*, 360 U.S. 45, was decided by the Supreme Court in 1959. It is directly in point.

In the Lassiter case, a Negro citizen of North Carolina was denied registration to vote because of her refusal to take a literacy test which the statutes of that State required. She brought an action in the State courts to have this statutory requirement declared invalid, as a violation of the 14th, 15th, and 17th amendments to the Constitution. The Court stated:

> We come to the question whether a State may consistently with the 14th and 17th amendments apply a literacy test to all voters irrespective of race or color. The Court in *Guinn* v. *United States* * * * disposed of that question in a few words: "No time need be spent on the question of the validity of the literacy test considered alone since, as we have seen, its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision, and indeed, its validity is admitted."
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> The States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised, *Pope* v. *Williams*, 193 U.S. 621, 633; *Mason* v. *Missouri*, 179 U.S. 328, 335; absent of course the discrimination which the Constitution condemns. Article I, section 2 of the Constitution in its provision for the election of Members of the House of Representatives and the 17th amendment in its provision for the election of Senators provide that officials will be chosen "by the people." Each provision goes on to state that "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature." So while the right of suffrage is established and guaranteed by the Constitution * * * it is subject to the imposition of State standards which are not discriminatory and which do not contravene any restriction that Congress, acting pursuant to its constitutional powers, has imposed. * * * While section 2 of the 14th amendment, which provides for apportionment of Representatives among the States according to their respective numbers counting the whole number of persons in each State (except Indians not taxed) speaks of "the right to vote," the right protected "refers to the right to vote as established by the laws and Constitution of the State" (*McPherson* v. *Blacker*, 146 U.S. 1, 39).
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> We do not suggest that any standards which a State desires to adopt may be required of voters. But there is wide scope for exercise of its jurisdiction. Residence requirements, age, previous criminal records * * * are obvious examples indicating factors which a State may take into consideration in determining the qualifications of voters. The ability to read and write likewise has some relation to standards designed to promote intelligent use of the ballot. Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world show. Literacy and intelligence are obviously not synonymous. Illiterate people may be intelligent voters. Yet in our society where newspapers, periodicals, books, and other printed matter canvass and debate campaign issues, a State might conclude that only those who are literate should exercise the franchise. * * * It was said last century in Massachusetts that literacy tests were designed to insure an independent and intelligent exercise of the right of suffrage. * * * North Carolina agrees. We do not sit in judgment on the wisdom of that policy. We cannot say, however, that it is not an allowable one measured by constitutional standards.

One of the cases cited by the Court in the Lassiter case is *Pope* v. *Williams*, 193 U.S. 621, decided in 1904. This case is another important one bearing on the right of the States to fix literacy qualifications for voting. There, it was stated:

> The privilege to vote in any State is not given by the Federal Constitution, or by any of its amendments. It is not a privilege springing from citizenship of the United States. * * * It may not be refused on account of race, color, or previous condition of servitude, but it does not follow from mere citizenship of the United States. In other words, the privilege to vote in a State is within the jurisdiction of the State itself, to be exercised as the State may direct, and upon such terms as to it may seem proper. * * * The State might provide that persons of foreign birth could vote without being naturalized, and as stated by Mr. Chief Justice Waite in *Minor* v. *Happersett*, such persons were allowed to vote (in several of the

States upon having declared their intentions to become citizens of the United States. Some States permit women to vote; others refuse them that privilege. A State, as far as the Federal Constitution is concerned, might provide by its own constitution and laws that none but native-born citizens should be permitted to vote, as the Federal Constitution does not confer the right of suffrage upon any one, and the conditions under which that right exists the States alone may prescribe. * * *

The right of a State to legislate upon the subject of the elective franchise as to it may seem good, subject to the conditions already stated being, as we believe, unassailable, we think it plain that the statute in question violates no right protected by the Federal Constitution.

The reasons which have impelled the State legislature to enact the statute in question were matters entirely for its consideration, and this Court has no concern with them.

And in *Ray* v. *Blair*, 343 U.S. 214, it was stated:

The presidential electors exercise a Federal function in balloting for President and Vice President, but they are not Federal officers or agents any more than the State elector who votes for Congressmen. They act by authority of the State that in turn receives its authority from the Federal Constitution.

Madam President, the Lassiter case is by far the most important of the cases establishing the right of a State to fix literacy standards for voting. The constitutional provisions there involved were primarily the 14th and 17th amendments. However, the claim that the 15th amendment gives some constitutionality to the proposals presently before the Senate has also been definitely disposed of by the judiciary. The leading case deciding the scope, meaning, and effect of the 15th amendment was United States against Reese, decided by the U.S. Supreme Court in 1875.

The Reese case involved the indictment under the Civil Rights Act of May 31, 1870, of two municipal election inspectors in Kentucky. They were charged with refusing to receive and count the vote of a certain Negro. Section 3 of that act imposed penalties upon officials who prevented the performance of acts necessary for qualification as a voter. Section 4 imposed criminal penalties upon any person who by force or intimidation sought to hinder a citizen from voting or qualifying to vote. Both these sections were legislation based upon the 15th amendment to the Constitution.

The Supreme Court held that these legislative provisions could not be sustained under the amendment, because they were not limited to dealing with deprivation of the right to vote "on account of race, color, or previous condition of servitude."

The opinion of the Court was delivered by Mr. Chief Justice Waite. Certain excerpts from it are pertinent to the present discussion:

Rights and immunities created by or dependent upon the Constitution of the United States can be protected by Congress. The form and manner of the protection may be such as Congress, in the legitimate exercise of its legislative discretion, shall provide. These may be varied to meet the necessities of the particular right to be protected.

The 15th amendment does not confer the right of suffrage upon any one. It prevents the State, or the United States, however, from giving preference in this particular to one citizen of the United States over another on account of race, color, or previous condition of servitude. Before its adoption, this could be done. * * * Previous to this amendment, there was no constitutional guarantee against this discrimination; now there is.

It follows that the amendment has invested the citizens of the United States with a new constitutional right which is within the protecting powers of Congress. That right is exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude. This, under the express provision of the second section of the amendment, Congress may enforce by "appropriate legislation."

This leads us to inquire whether the act now under consideration is "appropriate legislation" for that purpose. The power of Congress to legislate at all upon the subject of voting at State elections rests upon this amendment. The effect of article I, section 4 of the Constitution, in respect to elections for Senators and Representatives, is not now under consideration. It has not been contended, nor can it be, that the amendment confers authority to impose penalties for every wrongful refusal to receive the vote of a qualified elector at State elections.

It is only when the wrongful refusal at such an election is because of race, color, or previous condition of servitude, that Congress can interfere, and provide for its punishment.

We are, therefore, directly called upon to decide whether a penal statute enacted by Congress, with its limited powers, which is in general language broad enough to cover wrongful acts without as well as within the constitutional jurisdiction, can be limited by judicial construction so as to make it operate only on that which Congress may rightfully prohibit and punish. * * * We are not able to reject a part of the statute which is unconstitutional, and retain the remainder, because it is not possible to separate that which is unconstitutional and retain the remainder. * * *

It would certainly be dangerous if the legislature could set a net large enough to catch all possible offenders, and leave it to the courts to step inside and say who could be rightfully detained, and who should be set at large.

Each time it has been presented with the question involved in the Reese case, the Supreme Court has adhered to the same principle. The identical question was presented to the Court in *James* v. *Bowman*, 190 U.S. 127, decided in 1903. There the Court said:

But the contention most earnestly pressed is that Congress has ample power in respect to elections of Representatives in Congress; that the election which was held, and at which this bribery took place, was such an election; and that therefore under such general power this statute and this indictment can be sustained. The difficulty with this contention is that Congress has not by this section acted in the exercise of such power. It is not legislation in respect to elections of Federal officers, but is leveled at all elections, State or Federal, and it does not purport to punish bribery of any voter, but simply of those named in the 15th amendment.

On its face, it is clearly an attempt to exercise power supposed to be conferred by the 15th amendment in respect to all elections, and not in pursuance to the general control by Congress over particular elections. To change this statute, enacted to punish bribery of persons named in the 15th amendment at all elections to a statute punishing bribery of any voter at certain elections would be in effect judicial legislation. It would be wresting the statute from the purpose with which it was enacted and making it serve another purpose. Doubtless even a criminal statute may be good in part and bad in part, providing the two can be clearly separated, and it is apparent that the legislative body could have enacted the one without the other, but there are no two parts of the statute. If the contention be sustained it is simply a transformation of the statute in its single purpose and scope. This question has been by this Court in two cases carefully considered "and fully determined."

Madam President, there we have a Supreme Court of years past establishing a principle against judicial legislation, as well as establishing the scope of the 15th amendment. I do not consider it a digression to remark how different is the present Court's view of its power. The unhealthy trend toward judicial legislation gives me great concern for the framework of our constitutional system. In my judgment, the proposed legislation we are here considering would have the singularly disturbing effect of encouraging this tendency on the part of the courts.

For this and for the other reasons I have given, I believe this measure should not be enacted in any event.

At a later date I shall discuss further the constitutional principles here involved. For the present, Madam President, I am content to surrender the floor at this time.

PROHIBITION OF IMPOSITION OF ANY TAXES OR LITERACY OR INTELLIGENCE TEST AS A CONDITION FOR A CITIZEN TO VOTE FOR A FEDERAL OFFICER

Mr. MORSE. Mr. President, earlier this afternoon, I referred to a bill which I introduced in the 86th Congress—a bill to provide that no State shall impose any poll tax, property tax, or any property ownership qualification or property tax, or any illiteracy or intelligence test as a condition of the right of any citizen to vote at any election for a Federal officer.

I was not very successful in obtaining consideration of the bill in the 86th Congress.

So, Mr. President, I now reintroduce the bill, and request its appropriate reference, and also request that it be printed at this point in the RECORD, in connection with my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3234) to provide that no State shall impose any poll tax, property tax or any property ownership qualification or property tax, or any literacy or intelligence test as a condition of the right of any citizen to vote at any election for a Federal officer, introduced by Mr. MORSE, was received, read twice by its title, referred to the Committee on Rules and Administration, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That no State shall impose as a condition of the right of any citizen to vote at any election for any United States Senator, Representative to the Congress of the United States, Elector of the President or the Vice President of the United States, or the President of the United States, or the Vice President of the United States, any poll tax, or any property tax, or any property ownership qualification, or any literacy test or any intelligence test.

SEC. 2. The term "election" as used in this Act shall mean any primary election, or nominating election, or general election whereby persons are selected, nominated, or elected by and under the authority of the Constitution and laws of the United States, or by and under the authority of the constitution or the laws of any State or Territory for the nomination or election of any United States Senator, Representative to the Congress of the United States, or any Elector of the President or the Vice President of the United States, or the President or the Vice President of the United States.

AMENDMENT OF DISTRICT OF COLUMBIA MINIMUM WAGE LAW

Mr. MORSE. Mr. President, in my judgment, the time is long past due for Congress to take a very serious look at the minimum wage setup within the jurisdiction of the District of Columbia. So that this may be done, I introduce, for appropriate reference, a minimum wage and hours bill that will remedy some of the unfair wage and hours conditions presently existing in the District of Columbia.

It is regrettable that the District of Columbia has no minimum wage standard for men in establishments not governed by the Fair Labor Standards Act. The present District of Columbia minimum wage law was passed in 1918, and applies only to women and to minors under 18 years of age. Even here, domestic employment is excluded. Wages are fixed by a three-member board, representing employers, employees, and the public. Under present practice, the minimums are based upon wages which supposedly are adequate to supply the necessary cost of living to a single woman, without dependents, to maintain her in good health and to protect her morals. The wage rate varies according to occupation.

Important as the Fair Labor Standards Act and the current District minimum wage law are, they leave thousands of workers in the District of Columbia subject to sweatshop wages and working conditions which are substandard.

The principal provisions of my bill would accomplish the following:

First. Extend to all employees, without regard to sex, a minimum wage of $1.25 an hour, or any higher minimum wage as set by a wage order.

Second. Require overtime compensation for all employees at not less than time and one-half the regular rate for hours worked over 40 in a workweek.

Third. Keep in full force and effect, with certain modifications, the existing minimum wage orders issued by the Minimum Wage Board prior to the enactment of this act.

Fourth. Authorize and direct the Minimum Wage Board to determine the allowance to be made for tips, in occupations in which gratuities have customarily and usually been recognized as a part of the remuneration for hiring purposes.

Fifth. Keep in effect the existing Minimum Wage Board, a tripartite body appointed by the District Commissioners for a 3-year term.

Sixth. At any time after a wage order has been in effect for 1 year, the Board may, on its own motion, or on petition, reconsider the wage rates set therein. In such case, the Board would do the following: make an investigation of the wages paid in the occupation; convene an ad hoc advisory tripartite committee to consider and report to the Board on the appropriate wage rates to be established; upon receipt of the recommendation from the committee, the Board would publish a notice and hold a public hearing; within 30 days after such hearing, it would promulgate and publish the order, which would become effective 30 days after publication. A streamlined procedure is provideu for the modification and initial promulgation of wage orders to include the new statutory standards.

Seventh. A wage order or regulation issued by the Board may be reviewed by the U.S. District Court for the District of Columbia within 30 days after the publication of the order. Unless specifically ordered by the court, the commencement of such a review would not operate as a stay of the wage order or regulation, and the court would not grant a stay unless adequate surety was filed to safeguard the wages that otherwise would be due employees.

Eighth. Any person who willfully violated any provision of the law would be subject to a fine of not more than $10,000, or imprisonment for not more than 6 months, or both.

Ninth. It would permit an employee to collect up to double the amount of back wages illegally withheld, plus attorney's fees and court costs, and would permit the Board to take an assignment of the wage claim and to institute legal action to collect the wages illegally withheld, plus attorney's fees and court costs.

Tenth. It would provide an exemption from the minimum wage and overtime for executive, administrative, and professional employees, as defined by the Board. Also, it would exempt individuals who gratuitously render services to educational, charitable, religious, or nonprofit organizations, as well as newspaper delivery boys who deliver to homes. In addition, the bill would exempt seamen and railroad employees from the overtime provisions, as they are covered under the Fair Labor Standards Act.

In addition, the bill would permit the Board by regulation to lower minimum wages for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury. Lower minimum wages could likewise be provided by the Board for learner and apprentices, to prevent curtailment of opportunities for employment.

Eleventh. For any claim for collection of back wages the statute of limitations would be 3 years.

The effective date of the act would be 180 days after enactment.

Mr. President, the philosophy of the bill I am introducing is, so far as I am concerned, based upon the thesis that if we are to protect economic freedom in the District of Columbia and elsewhere, upon which political freedom is completely dependent, we have to protect the labor force from exploitation of selfish interests, which will always exploit if the Government does not step in and impose the minimum prohibitions and the restrictions necessary to protect employees.

In my judgment, people ought to be protected by minimum wage and hour laws from exploitation of selfish economic interests. I also happen to believe that the Congress puts itself in an intolerable position when it says that it is all right if business exploits men and certain women in the District of Columbia, but that it is going to protect certain women and minors.

If it is sound from a moral standpoint to protect some employees from having to accept a wage below a wage of health and decency from business, there certainly does not seem to me to be any justification for having Congress fail to apply such protection uniformly to employees of both sexes in all occupations within the jurisdiction of the District of Columbia.

Mr. President, in permitting a depressed class of employees to continue to exist, we are condemning it to a way of life that falls farther behind the standards enjoyed by more fortunate workers in the community, and this is not in the best interest of the city or the Nation. There happens to be some cause-to-effect relationship between the wages that employers in a given area pay and such social problems as adult crime, spread of slums, disease, juvenile delinquency, desperation, and many other social problems that go along with hopeless poverty. I do not offer that as an excuse for crime, but it is an explanation for a part of crime.

It must be kept in mind that the very low-income class of workers I am speaking about are performing useful functions in a wide range of business, industrial, and commercial enterprises in the city. They are employed; but no matter how long and how hard they work, they cannot earn enough to meet basic minimum standards of shelter, food, clothing, and medical care.

In many cities, including the District of Columbia, the employed head of a family who earns $1 an hour or less is better off if he quits his job and goes on public assistance. I need not point out that this is done. He is often better off, because public-assistance benefits which are designed to prevent starvation, frequently are more than his job would pay. As a member of the Senate District Committee, I have had this situation called to my attention on several occasions.

As I mentioned earlier, the moral and economic position of the District of Columbia is seriously weakened when Congress and the District of Columbia government allow hopeless poverty to continue to exist. In my judgment, we

had better start carrying out our moral obligations to this class of people.

As a firm supporter of the private-enterprise system, I say to the businessmen of the District that this country's system of enlightened capitalism can afford a decent minimum wage for every person, no matter what his occupation may be.

The very low income employees survive and exist, and that is about the size of it. I do not believe that anyone should continue in business, and should continue to make a profit and to serve the public, while paying his employees substandard wages. It is not right to exploit human beings, just to keep a business going. I have a hunch that if the unskilled; low-income employees of whom I am speaking were in a better bargaining position, the employers would be paying them more adequate wages and they would have more favorable hours of work.

Our free enterprise system, with whatever assistance it may need from the Government in certain emergency situations from time to time, has proven that it is strong enough and vital enough to pay decent minimum wages to employees who help keep the private enterprise system going.

In my judgment, our free enterprise system itself is completely dependent for its strength upon a broad and deep base of purchasing power on the part of the consumers, which means that the consumers have to get wages high enough to be able to maintain that purchasing power.

One of the arguments which will be set forth at the hearings on my minimum wage bill will be that if decent wages are paid, many businesses will be forced out of existence. In my judgment, it is better to have some go out of business, rather than to remain in business on the basis of a subsidy, whereby human beings have to work for substandard wages in order to subsidize others, who supposedly will not use the services of such businesses unless they are asocial in their wage structures. I do not accept and never have accepted this thesis.

There may be some dislocations here and there; but we have to make up our minds as to what a fair wage is, and then we must say to industry that it must adjust to that wage, because exploiting human beings, in order to keep a business going, can never be justified. Unless we do this our free enterprise system is weakened.

Another equally specious argument which undoubtedly will be raised at hearings on the bill is that minimum wage legislation is inflationary.

Another argument which will be presented by the diehard, low-wage industries' opposition to minimum wage legislation in the District is that if they must raise wages, they will have to lay off employees. These low-wage industries have raised this tattered banner many times.

I sincerely hope the Senate District of Columbia Committee will not be deterred by such baseless arguments from reporting to the Senate a fair and equitable minimum wage bill.

Mr. President, there are a great many unknown facts and figures concerning the extent of low wage and poor working conditions in the District of Columbia. In the District government there is not a single agency which can even venture a reasonably informed guess as to wages being paid uncovered workers and the long hours they work. For this reason, I am requesting the U.S. Department of Labor to make a very careful and exhaustive study and survey of wages being paid, hours worked per week, and work practices in the District of Columbia.

I am requesting the Department of Labor to complete its study by the end of this year, so that early next year the Senate Committee on the District of Columbia can proceed with very thorough hearings, with the study as a partial basis for careful consideration.

Although we do not know the extent of the low-wage problem in the District, we do know that it is a serious and urgent one, and that it must be met promptly and firmly if we are to maintain a good conscience and a sound economy.

I ask unanimous consent that the bill be printed at this point in my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3233) to amend the District of Columbia minimum wage law to provide broader coverage, improved standards of minimum wage and maximum hours protection, and improved means of enforcement, introduced by Mr. MORSE, was received, read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the District of Columbia minimum-wage law, approved September 19, 1918 (40 Stat. 960), as amended by the Act of October 14, 1941 (55 Stat. 738), is amended by striking out sections 1 through 23, inclusive, immediately following the designation "Title I—Minimum Wages" and inserting in lieu thereof the following:

"FINDING AND DECLARATION OF POLICY

"SECTION 1. (a) The Congress hereby finds that there are persons employed in some occupations in the District of Columbia at wages insufficient to provide adequate maintenance for themselves and their families. Such employment impairs the health, efficiency, and well-being of the persons so employed, constitutes unfair competition against other employers and their employees, threatens the stability of industry, reduces the purchasing power of employees, and requires, in many instances, that their wages be supplemented by the payment of public moneys for relief or other public and private assistance. Employment of persons at these insufficient rates of pay threatens the health and well-being of the people of the District of Columbia and injures the overall economy.

"(b) It is hereby declared to be the policy of this Act to correct and as rapidly as practicable to eliminate the conditions above referred to in such occupations without substantially curtailing opportunities for employment or earning power.

"DEFINITIONS

"SEC. 2. As used in this Act—

"(a) 'Board' means the Minimum Wage and Industrial Safety Board established by Reorganization Order Numbered 36 promulgated on June 16, 1953, pursuant to Reorganization Plan Numbered 5 of 1952;

"(b) 'Wage' means compensation due to an employee by reason of his employment, payable in legal tender of the United States or check on banks convertible into cash on demand at full face value, subject to such deductions, charges, or allowances as may be permitted by order or regulations of the Board under section 6 or 7;

"(c) 'Employ' includes to suffer or permit to work;

"(d) 'Employer' includes any individual, partnership, association, corporation, business trust, or any person or group of persons, acting directly or indirectly in the interest of an employer in relation to an employee, but shall not include the United States or the District of Columbia;

"(e) 'Employee' includes any individual employed by an employer but shall not include any individual engaged in the activities of an educational, charitable, religious, or nonprofit organization whose services are rendered to such organization gratuitously;

"(f) 'Occupation' means any occupation, service, trade, business, industry, or branch or group of occupations or industries, or employment or class of employment, in which employees are gainfully employed;

"(g) 'Gratuities' means voluntary monetary contributions received by an employee from a guest, patron, or customer for services rendered.

"MINIMUM WAGE AND MAXIMUM HOURS

"SEC. 3. (a) Every employer (except as otherwise provided in this Act) shall pay to each of his employees wages at a rate of not less than $1.25 an hour or such higher rate or rates applicable under a wage order issued pursuant to sections 5 and 6.

"(b) No employer shall employ any of his employees for a workweek longer than forty hours unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed.

"(c) The minimum wage orders issued by the Board prior to the date of enactment of the Wage and Hour Amendments Act of 1962 shall remain in full force and effect, except that they shall, subject to the provisions of section 18 of this title, be modified, effective on the effective date of such Act, as follows:

"(1) any such order which does not provide for minimum wages at a rate of at least $1.25 an hour shall be modified by order of the Board to provide for the payment of wages at a rate of not less than $1.25 an hour;

"(2) all such orders shall be modified by order of the Board to provide for the payment of overtime compensation as prescribed in subsection (b) of this section; and

"(3) all such orders shall be modified by order of the Board to apply to all employees without regard to the sex of any employee.

"(d) For any occupation in which, on the date of the enactment of the Wage and Hour Amendments Act of 1962, there is no existing minimum wage order, the Board shall issue an order, effective on the effective date of such Act, providing for minimum wages at a rate of not less than $1.25 an hour and for the payment of overtime compensation as prescribed in subsection (b) of this section.

"(e) In carrying out its responsibilities under subsections (c) and (d) of this section, the Board shall, to the extent it deems practicable, follow the procedures prescribed for the revision of wage orders set forth in sections 5 and 6, and the Board shall, if it

deems it necessary in order to effectuate the minimum wage and overtime provisions of this Act with respect to all employees, on the effective date of the Wage and Hour Amendments Act of 1962, modify any existing wage order or issue any wage order for an occupation in which such order does not exist, without appointing an ad hoc advisory committee as required by section 5, and publish any such new or revised wage order to become effective on the effective date of such Act without postponing its effective date for 30 days after publication as required by section 6(b).

"POWERS AND DUTIES OF BOARD

"SEC. 4 (a) The Minimum Wage and Industrial Safety Board established by Reorganization Order Numbered 36 promulgated on June 16, 1953, pursuant to Reorganization Plan Numbered 5 of 1952 shall continue in existence. The Board shall be subject to all of the provisions set forth in Reorganization Order Numbered 36 and shall have the authority vested in it by such Reorganization Order and by the provisions of this Act.

"(b) The Board or its authorized representatives shall, in addition to the foregoing authority have authority—

"(1) to investigate and ascertain the wages of persons employed in any occupation in the District of Columbia;

"(2) to enter and inspect the place of business or employment of any employer in the District of Columbia for the purpose of examining and inspecting any or all books, registers, payrolls, and other records of any such employer that in any way relate to or have a bearing upon the wages, hours, and other conditions of employment of any employees; to copy any or all of such books, registers, payrolls, and other records as the Board or its authorized representative may deem necessary or appropriate, and question such employee for the purpose of ascertaining whether the provisions of this Act and the orders and regulations issued thereunder have been and are being complied with; and

"(3) to require from any such employer full and correct statements in writing, including sworn statements, with respect to wages, hours, names, addresses, and such other information pertaining to the employment of his employees as the Board or its authorized representative may deem necessary or appropriate to carry out the purposes of this Act.

"REVISION OF WAGE ORDERS

"SEC. 5(a) At any time after a wage order has been in effect for one year the Board may on its own motion, or on the petition of fifty or more residents of the District of Columbia, reconsider the wage rates set therein. If after investigation, the Board is of the opinion that any substantial number of workers in the occupation covered by such wage order are receiving wages inadequate for their health, efficiency, and general well-being it may convene an ad hoc advisory committee for the purpose of considering and inquiring into and reporting to the Board on the subject investigated by the Board and submitted by it to such committee.

"(b) The committee shall be composed of not more than three persons representing the employers in such occupation, of an equal number representing the employees in such occupation, of not more than three persons representing the public, and one or more members of the Board. The Board shall name and appoint all the members of the committee and designate the chairman thereof. Two-thirds of the members of the committee shall constitute a quorum and the decision or recommendation or report of the committee on such subject submitted to it shall require an affirmative vote of not less than a majority of all of its members.

"(c) The Board shall present to the committee the information relating to the subject it submitted to the committee, and may cause to be brought before the committee any witnesses whose testimony the Board considers material.

"(d) Within ninety days after the convening of the committee by the Board, the committee shall make and transmit to the Board a report containing its findings and recommendations on the subject submitted to it by the Board including recommendations as to the highest minimum wages for employees in the occupation which it considers, having due regard to economic conditions, will carry out the policy of this Act without substantially curtailing employment in the occupation: *Provided*, That the wages recommended shall not be less than at the rate of $1.25 an hour or the rate prescribed in the wage order then applicable to such occupation, whichever is higher.

"(e) The committee may recommend permissible charges to the employees or allowances for board, lodging, apparel, or other facilities or services, customarily furnished by the employer to the employees, or reasonable allowances for gratuities customarily received by employees in any occupation in which gratuities have customarily and usually constituted and have been recognized as a part of the remuneration for hiring purposes. The committee may recommend a suitable scale of wages for learners and apprentices at rates less than the minimum rate otherwise applicable to the occupation. The committee may recommend different minimum wages for different classes of employments in the same occupation.

"(f) In the event any such committee fails to submit a report to the Board within the period specified in subsection (d), the Board may discharge such committee from further consideration of the subject submitted to it and convene a new committee for the purpose of considering such subject, or the Board itself may undertake to consider the subject and proceed to prepare and publish a revised wage order for the occupation in accordance with the procedure in section 6.

"SEC. 6. (a) Upon receipt of the report from any ad hoc advisory committee, or upon the discharge of such committee in accordance with section 5(f), the Board may prepare a proposed revised wage order for the occupation, giving due consideration to any recommendations contained in any report of such committee. In such order the Board may provide, among other things, such charges, allowances, tolerances and classifications as are referred to in section 5(e). The Board shall publish a notice of such order once a week, for four successive weeks, in a newspaper of general circulation printed in the District of Columbia, stating that it will, on a date and at a place named in the notice, hold a public hearing at which all interested persons will be given a reasonable opportunity to be heard. Such notice shall contain a summary of the major provisions of the proposed revised wage order.

"(b) Within thirty days after such hearing, the Board may make or render such an order as may be proper or necessary to effectuate the purposes of this Act. Notice of such order shall be published in a newspaper of general circulation printed in the District of Columbia and such order shall take effect upon the expiration of thirty days after the date of such publication.

"(c) Orders issued under this section shall define the occupation and classifications therein to which they are to apply, and shall contain such terms and conditions as the Board finds necessary to carry out the purposes of such orders, to prevent the circumvention or evasion thereof, and to safeguard the minimum wage established therein.

"ADMINISTRATIVE REGULATIONS

"SEC. 7. The Board shall make and revise such regulations, including definitions of terms, as it may deem appropriate to carry out the purposes of this Act or necessary to prevent the circumvention or evasion thereof and to safeguard the minimum wage rates and the overtime provisions thereby established. Such regulations may include, but are not limited to, regulations defining and governing learners and apprentices, their number, proportion, and length of service; part-time pay; bonuses; special pay for special or extra work; permitted charges to employees of allowances for board, lodging, apparel, or other facilities or services customarily furnished by employers to employees; allowances for gratuities in any occupation in which gratuities have customarily and usually constituted and have been recognized as a part of the remuneration for hiring purposes; or allowances for such other special conditions or circumstances which may be usual in a particular employer-employee relationship. Regulations or revisions thereof issued by the Board pursuant to this section shall be made only after a public hearing by the Board, subequent to publications of a notice of the hearing at which interested persons may be heard. Such regulations or revision shall, except as may otherwise be provided by the Board, take effect upon publication.

"JUDICIAL REVIEW

"SEC. 8. (a) Any interested person in an occupation for which any wage order or administrative regulation has been issued under the provisions of this Act, who may be aggrieved by any such order or regulation, may obtain a review thereof in the United States District Court for the District of Columbia by filing in such court, within thirty days after the date of publication of such order or regulation, a written petition praying that the order or regulation be modified or set aside. A copy of such petition shall be served upon the Board. In such an action all findings of fact under the foregoing provisions of this Act shall, if based on evidence, be conclusive upon the court, and there shall be no appeals from the decision of the Board on any such findings of fact. The court may, however, determine whether the order or regulation is in accordance with law. If the court determines that such order or regulation is not in accordance with law, it shall remand the case to the Board with directions to modify or revoke such order or regulation. If application is made to the court for leave to adduce additional evidence by any aggrieved party, such party shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence before the Board. If the court finds that such evidence is material and that reasonable grounds exist for failure of the aggrieved party to adduce such evidence in prior proceedings, the court may remand the case to the Board with directions that such additional evidence be taken before the Board. The Board may modify such order or regulation, in whole or in part, by reason of such additional evidence.

"(b) Hearings in such court on all appeals taken under the provisions of this Act shall be privileged and take precedence over all matters except matters of the same character. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final except that the same shall be subject to review by the United States Court of Appeals for the District of Columbia. In all such appeals the Corporation Counsel shall appear for and represent the Board.

"(c) The commencement of proceedings under subsection (a) shall not, unless specifically ordered by the court, operate as a stay of a wage order or of a regulation issued under the provisions of this Act. The court shall not grant any stay of a wage order or of a regulation unless the person complaining of such order or regula-

tion shall file in the court an undertaking with a surety or sureties satisfactory to the court for the payment to the employees affected by the order or regulation, in the event such order or regulation is affirmed, of the amount by which the compensation such employees are entitled to receive under the wage order or regulation exceeds the compensation they actually receive while such stay is in effect.

"AUTHORITY TO TAKE TESTIMONY SUBPENAS

"SEC. 9. Any member of the Board shall have power to administer oaths and the Board may require by subpena the attendance and testimony of witnesses, the production of all books, registers and other evidence relative to any matters under investigation, at any public hearing or at any meeting of any committee. In case of disobedience to a subpena the Board may invoke the aid of the United States District Court for the District of Columbia in requiring the attendance and testimony of witnesses and the production of documentary evidence. In case of contumacy or refusal to obey a subpena the court may issue an order requiring appearance before the Board, the production of documentary evidence, and the giving of evidence, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"HANDICAPPED WORKERS

"SEC. 10. The Board may provide by regulation for the employment in any occupation of individuals whose earning capacity is impaired by age or physical or mental deficiency, or injury at such wages lower than the minimum wage rates applicable under this Act, as it may find appropriate to prevent curtailment of opportunities for employment, to avoid undue hardship, and to safeguard the minimum wage rates under this Act. No employee shall be employed at wages fixed pursuant to this section except under a special license issued under applicable regulations of the Board.

"EXEMPTIONS

"SEC. 11. (a) The minimum wage and overtime provisions of section 3 shall not apply with respect to—

"(1) any employee employed in a bona fide executive, administrative, or professional capacity, or in the capacity of outside salesman (as such terms are defined and delimited from time to time by regulations of the Board); or

"(2) any employee engaged in the delivery of newspapers to the home of the consumer.

"(b) The overtime provisions of section 3(b) shall not apply with respect to—

"(1) any employee employed as a seaman; or

"(2) any employee employed by a railroad.

"KEEPING OF RECORDS

"SEC. 12. Every employer subject to any provision of this Act or of any regulation or order issued under this Act shall make, keep, and preserve for a period of not less than three years, a record of the name, address, and occupation of each of his employees, a record of the date of birth of any employee under 19 years of age, the rate of pay, and the amount paid each pay period to each such employee, the hours worked each day and each workweek by such employee, and such other records or information as the Board shall prescribe by regulation as necessary or appropriate for the enforcement of the provisions of this Act or of the regulations or orders thereunder. Such records shall be open and made available for inspection or transcription by the Board or its authorized representatives at any reasonable time. Every such employer shall furnish to the Board or to its authorized representative on demand a sworn statement of such records and information upon forms prescribed or approved by the Board.

"POSTING OF LAW AND WAGE ORDERS

"SEC. 13. Every employer subject to any provision of this Act or of any regulation or order issued under this Act shall keep a copy or summary of this Act and of any applicable wage order and regulation issued thereunder, in a form prescribed or approved by the Board, posted in a conspicuous and accessible place in or about the premises wherein any employee covered thereby is employed. Employers shall be furnished such copies or summaries by the District of Columbia on request without charge.

"PROHIBITED ACTS

"SEC. 14. It shall be unlawful for any employer—

"(1) to violate any of the provisions of section 3, or any of the provisions of any regulation or order of the Board issued under this Act;

"(2) to violate any of the provisions of section 12 or 13, or any regulation or order made or continued in effect under the provisions of section 7, or to make any statement, report, or record filed or kept pursuant to the provisions of such section or of any regulation or order thereunder, knowing such statement, report, or record to be false in a material respect;

"(3) to discharge or in any other manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act, or has testified or is about to testify in any such proceeding or has served or is about to serve on any ad hoc advisory committee;

"(4) to hinder or delay the Board or its authorized representative in the performance of its duties in the enforcement of this Act, or to refuse to admit the Board or its authorized representative to any place of employment, or to refuse to make available to the Board or its authorized representative, upon demand, any record required to be made, kept or preserved under this Act, or to fail to post a summary or copy of this Act, or of any applicable regulation or order, as required under section 13.

"PENALTIES

"SEC. 15. Any person who willfully violates any of the provisions of section 14 shall upon conviction thereof be subject to a fine of not more than $10,000, or to imprisonment of not more than 6 months, or both. No person shall be imprisoned under this section except for an offense committed after the conviction of such person for a prior offense under this section.

"EMPLOYEE REMEDIES

"SEC. 16. (a) Any employer who violates the provisions of subsection (a) or (b) of section 3 of this Act shall be liable to the employee or employees affected in the amount of their unpaid minimum wages, or their unpaid overtime compensation, as the case may be, and in an additional equal amount as liquidated damages, except that if, in any action commenced to recover unpaid minimum wages, unpaid overtime compensation, or liquidated damages under this Act, the employer shows to the satisfaction of the court that the act or omission giving rise to such action was in good faith and that he had reasonable grounds for believing that his act or omission was not a violation of this Act, the court may, in its sound discretion, award no liquidated damages, or award any amount thereof not to exceed the amount specified in this section. Action to recover such liability may be maintained in any court of competent jurisdiction in the District of Columbia by any one or more employees for and in behalf of himself or themselves and other employees similarly situated. No employee shall be a party plaintiff to any such action unless he gives his consent in writing to become such a party and such consent is filed in the court in which such action is brought. The court in such action shall allow a reasonable attorney's fee to be paid by the defendant, and costs of the action. Any agreement between an employer and an employee to work for less than the wages or overtime compensation to which such employee is entitled under or by virtue of this Act shall be no defense to any action to recover such unpaid wages, overtime compensation, or liquidated damages.

"(b) At the written request of any employee paid less than the minimum wages or the overtime compensation to which he is entitled under or by virtue of this Act, the Board may take an assignment of such wage claim in trust for the assigning employee and may bring any legal action necessary to collect such claim. In such an action, the defendant shall be required to pay the costs and such reasonable attorney's fees as may be allowed by the court.

"(c) The Board is authorized to supervise the payment of the unpaid minimum wages or the unpaid overtime compensation owing to any employee or employees under subsection (a) or (b) of section 3 of this Act, and the agreement of any employee to accept such payment shall upon payment in full constitute a waiver by such employee of any right he may have under subsection (a) of this section to such unpaid minimum wages or unpaid overtime compensation and an additional equal amount as liquidated damages.

"STATUTE OF LIMITATIONS

"SEC. 17. Any action commenced on or after the effective date of the Wage and Hour Amendments Act of 1962 to enforce any cause of action for unpaid minimum wages, unpaid overtime compensation, or liquidated damages, under this Act may be commenced within three years after the cause of action accrued, and every such action shall be forever barred unless commenced within three years after the cause of action accrued.

"RELATION TO OTHER LAWS

"SEC. 18. Any standards relating to minimum wages, maximum hours, overtime compensation or other working conditions in effect under any other law of the District of Columbia on the effective date of the Wage and Hour Amendments Act of 1962, which are more favorable to employees than those applicable to such employees under this Act or the regulations issued hereunder, shall not be deemed to be amended, rescinded, or otherwise affected by this Act or orders or regulations issued hereunder but shall continue in full force and effect and may be enforced as provided by law unless and until they are specifically superseded by standards more favorable to such employees by operation of or in accordance with regulations issued under this Act.

"RIGHT OF COLLECTIVE BARGAINING

"SEC. 19. Nothing in this Act shall be deemed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with their employers through representatives of their own choosing in order to establish wages or other conditions of work in excess of the standards applicable under the provisions of this Act.

"SEPARABILITY OF PROVISIONS

"SEC. 20. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act and the application thereof to other persons or circumstances shall not be affected thereby."

SEC. 2. (a) Except as provided in subsection (b), this Act shall take effect upon the expiration of one hundred and eighty days after the date of its enactment.

(b) Notwithstanding the provisions of subsection (a), the authority to promulgate necessary rules, regulations and orders with regard to amendments made by this Act may

be exercised by the Board on and after the date of enactment of this Act. The modifications of existing wage orders and regulations and the issuance of new wage orders and regulations necessary to comply with the provisions of section 3 of the Act of September 19, 1918 (40 Stat. 960), as amended by this Act shall be effected by the Board in advance of the effective date of this Act and shall become operative on such effective date.

SEC. 3. This Act may be cited as the "Wage and Hour Amendments Act of 1962".

Mr. MORSE. Mr. President, I also ask unanimous consent that a very fine series of articles written by Rice Odell, which appeared in the Washington Daily News in 1959 and 1961, be printed at this point in my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, May 25, 1959]

WASHINGTON, D.C., IN THE YEAR 1959; 60 CENTS AN HOUR FOR HOURS AND HOURS

(NOTE.—How can a man be on the job 18 hours a day, 7 days a week, for $34 and still get by? And why does he do it? And how about thousands of other District citizens who work long hours for little pay. Today, the Washington Daily News looks into a situation which may surprise readers who have come to regard $1 an hour as, in fact, the minimum wage, and the 40-hour week as standard hereabouts. The names of workers in this story are not their real names. The rest is very real.)

(By Rice Odell)

Turner Jode, a strong looking, gray-haired, colored janitor in a District apartment house, works 7 days a week. He starts at 5 in the morning and gets off close to midnight.

For this, he is paid a salary of $34 a week.

First, there's the furnace to care for, and numerous other chores. He gets around to breakfast later. From 7 to 9 a.m., he operates the elevator. Then comes cleaning, repairing, burning the trash.

He runs the elevator again from 7 to 10 at night.

"It's always around midnight before I can get to bed," he said. And then the tenants are apt to call "at all hours of the night."

STUCK

Mr. Jode has held this job for a year.

"I haven't had a day off since I've been here," he said. "And I can't take another job. I might slip out and do 2 or 3 hours' work somewhere else, but they want me here all the time."

In addition to his salary, Mr. Jode gets free use of a three-room basement apartment for himself, his wife, and two children. And although he is on duty virtually all the time, there is plenty of opportunity to sit on the front steps and chat with friends and neighbors.

But that's about all. The $34 just covers food—common food, cheap as you can get—and enough clothing to keep the children in school. If you figure his apartment (which he gets free) as worth $60 a month, his pay is the equivalent of $50 a week.

NOT ALONE

Is Mr. Jodes' case unusual? Not at all.

There are hundreds, in fact thousands, of Jodes in the District. They do all kinds of work—mostly menial—for rockbottom wages and long, weary hours.

They include many—but by no means all—dishwashers, busboys, tray waiters, porters, messengers, janitors, elevator operators, trash collectors, night watchmen, garage attendants, handymen, theater ushers, short-order cooks, countermen, waitresses, cleaning women, and fountain girls.

A large percentage of these jobs pays between $30 and $40 a week and usually requires much more than 40 hours' work.

It boils down to wages of 60 to 90 cents an hour—sometimes less.

SAME FIX

Orville Pete, a 25-year-old Negro with a wife and three children, stood on top of a pile of bricks in the near Northwest section. He was hacking down a wall for a wrecking company.

For working an 8-hour day, 6 days a week, Mr. Pete gets $35.

"I'm just barely getting by," he said.

So are others. Here are some the Washington Daily News found:

A janitor, with a wife and one child, works 84 hours a week, lives elsewhere, and is paid $45.

A waitress earns $22.50 a week plus tips but, as an employment agency worker said: "You'd be surprised how little they get in tips sometimes—maybe $5 or $6 a week."

A dishwasher makes $30 for what is supposed to be a 48-hour week. It usually runs to 52.

An elevator operator gets $110 a month.

A waiter receives a basic salary of $11 a week for a 6-day split shift. With tips, he averages about $35.

The average car washer gets 75 cents an hour. He works a 7-day week, but anytime it rains there is no work and no pay. To bring home $40 a week, he has to make up a 53-hour week by working long hours on fair-weather days.

Other examples of below-average weekly wages reported by employment agencies:

Maids, $35; fountain girls, $30; porters and deliverymen, $33; trash collectors, $40; laundry workers, $38; counter girls, $38.

WHY?

Why do these people stay with such jobs?

"I don't think they have the training to do much else," Fred Z. Hetzel, district director of the U.S. Employment Service, said.

"There is nearly always an opening for a good skilled man at any trade," he said, "and if those holding menial jobs would take advantage of some of the inexpensive schooling available and learn a skill, they would qualify for these.

"Right now, for example, there are openings here for 1,000 typists and stenographers, 400 bricklayers, many shoe repairmen, and others," he said.

Are these openings also available to colored workers?

"To a lesser extent," Mr. Hetzel said.

[From the Washington Daily News, May 26, 1959]

IN TOO-PLENTIFUL SUPPLY: UNSKILLED ARE UP AGAINST IT

(NOTE.—Washington, the city of white collar workers with comfortable middle-or-higher level incomes, is also a city in which thousands work long hours for very short pay. This is the second of three articles on a side of life here which is unfamiliar to many Washingtonians.)

(By Rice Odell)

A considerable segment of Washington's labor force has been either actively or passively relegated to a low-wage status from which, at present, there is little hope of escape.

The reason: There is an oversupply of unskilled labor here. This exists preponderantly in the colored population.

A continuous influx of untrained colored people from the South keeps the labor supply for unskilled manual work at the saturation point.

"We sometimes get 100 job inquiries a week from them," the manager of one small employment agency here said. "Many can't read or write. Many come here with their last dollar."

He said some don't even qualify for the lowest paid jobs, by agency standards, and the problem of checking for police records is almost insurmountable.

OTHER PROBLEMS

There is little or no union protection for the unskilled worker in most private businesses here.

There is also racial discrimination.

It is no secret that, all other things being equal, in many positions a white employee will end up with a higher wage than his colored coworker. One reason for this is that there is not the same oversupply of this class of worker in the white group.

"To give you an example," an employment agency worker said, "a firm couldn't locate a girl to fill a switchboard position, so we persuaded them to hire a colored girl. But she was paid substantially less than the white girl had been."

This is not necessarily a widespread policy, especially among larger, better-known firms. But it does affect many. The wage discrepancies may involve as much as $10, $20 or more a week.

NO LAW

There is no law in the District which sets a minimum wage for men. (The National Fair Labor Standards Act, which establishes a minimum of $1 per hour, applies only to these engaged in work involving interstate commerce. It therefore does not cover many of those who normally receive the lowest wages.)

Women are protected to a certain limited extent.

There is no pressure on the part of employers to change this situation, and unskilled workers are generally apathetic. A middle-aged janitor who tries to support himself and his wife on $130 a month, inadvertently voiced this feeling of hopelessness:

"It's not very much," he said, "but I guess it'll do until * * *." He stopped abruptly, unable to think until what.

NO DESIRE

An employment agency official, who interviews scores of unskilled job hunters every week, said: "These men have lost the desire to serve the community because the community doesn't tangibly value their services."

A drugstore recently hired a porter for $30 for a 40-hour week. The man delivered prescriptions, helped at the counter, scrubbed floors, and sometimes did housework for his boss. The hours lengthened until they were often 11 or 12 a day.

Instead of overtime pay, he was allowed to buy things on credit at 10 percent off.

Many who seek to employ maids wish to pay 60 cents an hour, or $25 a week for 48 hours.

UNDERPAID

Minimum Wage Board investigations of 1,440 retail firms here in 1958 showed that 9 percent of them were paying less than the weekly minimum wage of $36 to some 450 women.

In 1957 a study was made of the laundry industry, which then employed 3,200 women here. At that time the minimum was $30 per week. It was found that about 13 percent of the employees were getting less than $35. The median was $41.

There are subtler ways of exploitation.

There are a number of pickup points in the District where employers can readily find men for part-time work, transport them to their jobs and bring them back.

A 39-year-old workman waited at one of them the other day—hoping to find the employer who owed him $11 for working the previous day. He'd promised to come back that day at 6 a.m. to give him more work. He hadn't showed up.

"He probably went out on another corner and got somebody else," the workman said. "I know where the job's at but I don't know the man's name. It's so far out there. But I'll have to go after him to get the money."

This problem is being combatted by the District of Columbia Minimum Wage Board which, though it does not fix wage minimums for men, is at least empowered to help them collect.

Part-time and odd jobs are a special problem. Painters, for instance. "Sometimes they can't give you the name of the man (who employed them) or where he lives," said Miss Carrie L. Allgood, executive secretary of the Board.

"They can tell you where they painted, that's all. People lose a lot of money that way."

Since 1956, when the Board was empowered to force collection of wages, it has closed about 400 cases, 30 of which went to court, for a total of about $22,000.

"But that doesn't take into account all those who didn't complain," Miss Allgood said.

[From the Washington Daily News, May 27, 1959]

ANACHRONISM OF PROSPERITY: LOW PAY, HIGH LIVING COST CREATE WELFARE HEADACHES

(By Rice Odell)

The thousands of workers here who receive substandard wages face far from substandard expenses. They live in a city which has one of the highest cost-of-living indexes in the country.

Serious social repercussions result from this selection. It fosters crime and delinquency, it perpetuates slums, creates a host of welfare problems.

Many among the low paid need part-time extra jobs—or even full-time second jobs—just to buy life's necessities.

"We have so many applications for part-time jobs, it just doesn't pay to handle them," said the owner of a small employment agency. He gets from 125 to 150 a week.

BREADWINNERS

Some of the biggest problems result from the fact that women in many jobs are protected to a certain extent by District minimum wage laws, while men are not. The woman of a family is thus often able to earn more for the same work than her husband would.

And if the woman can't work, families sometimes find some way of staying on relief, rather than keep the man of the house in a low-paying job.

The Welfare Department has stringent regulations. So how does a family get on relief when the husband can work?

The husband deserts.

One 34-year-old man was taking adequate care of his wife and seven children until he had an accident. While he was laid up, the family got $288 a month from welfare.

When he was able to return to work several months later, he couldn't get his old job back and had to settle for one paying only $150 a month.

Welfare couldn't help, so the man, in desperation, took four of his children to Junior Village and said, "Here they are. I simply can't manage it."

"It ends up with the District paying anyway," a welfare official said.

Such a situation "would be an incentive for him to desert his family," the official said. "The number of desertions is very high. The suspicion is that there are quite a few of them for that reason."

THE LAW

Low, low pay is hardly the exclusive property of Washington or the Washington area. Labor Department investigations show many people in many parts of the Nation and in many different industries are earning 35 and 40 cents an hour.

The Federal minimum wage law—$1 an hour—generally applies only to employers whose businesses are in interstate commerce.

Thirty-two States and the District have their own minimum wage laws—but only 10 of these (not including the District) have any coverage for men. Maryland and Virginia have no minimum wage laws at all.

It was just 9 years ago that the last bill was introduced in Congress to extend coverage to men in the District.

It was supported by the Labor Department, District of Columbia Minimum Wage Board, and employee representatives. It was opposed by the Board of Trade and various business associations. The bill died.

SLOW PROGRESS

The Minimum Wage Board meanwhile has made slow and steady progress in improving the minimum wages and hours of some 78,000 women in 7 basic industries here. In many cases minimums approach $1 an hour.

But in two industries—beauty culture and manufacturing-wholesaling—where wages were last set in 1948, it is possible to pay some employees 55 cents and 66 cents an hour, respectively. New rates in these fields are in the works.

There are an estimated additional 24,000 women employees in the District who are not covered by wage laws. Of these, some 18,000 are domestic servants.

A local employment agent tells a story which, while not typical, shows how domestic employment can be a poor answer for the family in the bottom brackets.

A 32-year-old colored woman whose husband couldn't make enough to support her and their three young children took a job as a maid which paid $35 for a 48-hour week.

She had to get someone to care for her children while she was away. It cost her $25 a week. She showed a net gain of $10, some of which went for streetcar fares.

[From the Washington Daily News, May 27, 1959]

OUR NOT-SO-GREEN PASTURES

The existence of tens of thousands of unskilled, untrained workers in the District who somehow eke out a living by working long hours at short wages—sometimes as low as 55 cents an hour—has been examined by Rice Odell in three articles this week.

The minimum wage set by the Federal Government for certain workers engaged in interstate commerce is $1 an hour and Senator John Kennedy, Democrat, of Massachusetts, has a bill in Congress now that would raise this to $1.25 and extend its protection to another 8 million workers.

The District has fixed minimum wages for women in certain industries, but there is no minimum wage for men. Maryland and Virginia have none for either sex.

Unquestionably, the District's oversupply of unskilled laborers, living on marginal incomes, has a debilitating effect on the city's economic health. By the very nature of their precarious hand-to-mouth existence, they constitute a constant drain on the city's public health and welfare services. They contribute little or nothing to tax revenues and their meager lot is conducive to crime and delinquency.

Except for simple food and simple lodging, their purchasing power is nil. There is nothing left from their wages to help stimulate healthy business here.

The fact that most of these unskilled laborers are Negroes is beside the point. The fact that many of them should never have come here from the South, is also beside the point.

They are here. They must exist, somehow, in this high wage, high cost area.

It seems to us the District should strengthen and greatly expand the minimum wage laws it now has. What is minimum wage for one worker in this Federal area should be minimum wage for another doing the same kind of work.

Until this can be done, it would be well to broadcast in other parts of the country, particularly the South, that this is no easy town for ordinary laborers. The simple truth is that pastures in the District, for the unskilled worker, at least, are not as green as they seem.

[From the Washington Daily News, Apr. 27, 1961]

UNDERPAYING WORKERS BREEDS PROBLEMS: SOMETIMES THE SALARIES THEY GET ARE INSULTS

(NOTE.—Two years ago, the Washington Daily News printed a series of articles which showed thousands of workers in the Nation's Capital, and in Maryland and Virginia, were being paid only a fraction of the Federal minimum wage. This year, Congress is about to pass a law hiking the Federal minimum from $1 an hour—the Senate has OK'd a figure of $1.25 over a 2-year period, the House, $1.15, immediately. But there will be no increase for the workers who are not covered by Federal legislation. This story gives an insight into their problem, and the problems it raises for society.)

(By Rice Odell)

Early in the morning in the rubble of a razed building several blocks from the Capitol, elderly men begin picking away for bricks. When one has unearthed and cleaned off a hack—500 bricks—he gets $3.

At the end of the afternoon, a 57-year-old man brushes off the dust and gets ready to leave.

"You've got to dig for 'em," he says. "I've been working all day and I haven't made a hack yet."

Two others figure they've earned $4. They keep at it.

A 19-year-old shows up for work as a deliveryman-clerk at a small grocery, also near the Capitol, at 7:30 a.m. When he took the job he was told he'd have an 8-hour day. But when his day is done, it's 10:30 p.m.

He is paid $42 for a 6-day week. Allowing an hour off for meals and a shorter Saturday, this comes to 51 cents an hour.

A restaurant busboy works 10 hours a day on a split shift, 6 days a week. He gets two meals a day and $35 a week.

An eager young man shows up early in the morning for a new job at a carwash. He has been promised "up to" 75 cents an hour.

SOME DAY

Charles Elliott, acting supervisor of the U.S. Employment Service's unskilled labor section, says the employers of men like these often say that if a man is good, he will be paid more.

"But he may stay there 20 years and that more never comes," Mr. Elliott says.

FEDERAL MINIMUM

If the job involved came under the heading of interstate commerce, as millions do, the workers holding them would have to be paid at least $1 an hour—a Federal minimum expected to rise soon under congressional action.

Since they don't it is frequently a pay-as-little-as-you-can-get-away-with proposition.

The District has no minimum wage law of its own for men, though it does have one for women and minors in certain fields—where weekly wages are generally set at from $35 to $44.

MARYLAND

Maryland has no wage law for men or women. A bill for a $1-an-hour minimum passes the house every 2 years but never gets through the senate.

The legislature has heard of cases in which hotels pay charwomen 35 cents an hour, and laundries pay women workers 29 cents an hour.

At this year's session, an unfavorable report by a senate committee was upheld by a 19–7 vote. The issue is now dead until next February, at least.

VIRGINIA

Virginia also has no wage law. At the general assembly's last session a proposed 75-cent-an-hour law failed to pass by a 44–44 tie vote. The next attempt must wait until January.

The Federal minimum wage could be extended to more workers this year—but far from all of them. The U.S. Senate bill would extend coverage to 4 million people throughout the Nation. The House bill would not.

THE PAYOFF

The low wages paid many people provide for the community many a social problem.

Children are often left improperly cared for, if at all, when both husbands and wives take jobs.

Wives often bring home more money than their husbands in the District, thanks to its minimum wage law for women. A husband may look for other ways to increase his status—and those ways aren't always legal.

Sometimes a man's pay is so low, his family could get more by going on relief. In order to allow his family to qualify, the husband deserts—sometimes in fact, sometimes not.

Low wages can bring a contempt for regular jobs, especially among the young. Crime is only a short step away.

Low wages have a "very definite relationship to crime," according to Fred Z. Hetzel, District Director of the U.S. Employment Service.

DISCOURAGING

Chief District Court Probation Officer Edward W. Garrett, through whose hands pass reports on thousands of felons, says it is a "discouraging factor" in his work that "such miserably low wages are paid by some employers."

He says rehabilitation of a criminal can hinge on a job with "dignity and worthwhileness."

Most of his charges "recognize they have limited ability," he says. "But sometimes the salaries they get are insults."

Probation reports show many men have given up $25 or $30 a week jobs for crime.

ARGUMENTS

Several years ago an executive here was being honored at a luncheon of a business group of which he was outgoing president.

He told his colleagues the thing he was proudest of during his term in office was beating down an attempt by the District of Columbia Minimum Wage Board to raise the minimum wages of women retail clerks.

Con

This reflects the philosophy of some employers, a philosophy underlying the defeat of attempts to pass minimum wage legislation in the District, Virginia, and Maryland, and which is summed up in arguments like these:

Higher pay at the bottom levels will wipe out many jobs through automation, through belt-tightening by businesses, or through elimination of some of the businesses themselves; it will destroy wage differentials at the lower levels; it will push other wages up, causing inflation; it will increase the problem of foreign competition.

It's better, foes of minimum wage laws say, to have a job paying 60 cents an hour than no job at all.

Pro

On the other side, it is argued that higher wages will boost consumer buying, giving the economy a lift.

And that if it's a good idea to have a minimum wage for some workers, why not for others?

DENNIS W. SIVERS

Mr. MORSE. Mr. President, it has always given me great pleasure to be able to give to a talented young man or woman a deserved commendation for outstanding scholastic achievement.

This pleasure is doubled for me when the recipient of an award based upon academic distinction is bestowed upon an Oregonian.

Mr. Dennis W. Sivers, of Beaverton, Oreg., has just been accorded a high honor. He has been chosen as 1 of 14 high school science students to represent the United States at the Fourth International Youth Science Fortnight, July 19, 1962, to August 4, 1962, in London, England.

Dennis is also outstanding in science and mathematics at the Sunset High School in Beaverton.

I am told that he will graduate first in his class of 280 pupils. Throughout his entire high school career he has consistently demonstrated his ability by winning prizes, first places, and medals at science fairs. I understand in addition that he has placed first twice in the American Mathematics Association competitive examination.

Dennis has a well-rounded ability because in addition to his mathematical and science honors he has won short story contests and he also was a State winner in Spanish competition at the University of Oregon Field Day during his junior year in high school. He speaks Portuguese and Italian and is proficient in Esperanto and Interlingua. I am sure that in his future academic career at the Massachusetts Institute of Technology where he plans to undertake the study of physics he will continue to achieve high distinction.

Mr. President, I ask unanimous consent that a news release dated May 1, 1962, giving details of the selection of these outstanding young men and women which was issued by the National Science Teachers Association be printed at this point in my remarks.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

U.S. SCIENCE STUDENTS CHOSEN TO ATTEND INTERNATIONAL CONFERENCE

Dennis W. Sivers, an 18-year-old senior from Sunset High School, Beaverton, Oreg., has been chosen as 1 of 14 high-school science students to represent the United States at the Fourth International Youth Science Fortnight, July 19 to August 4, 1962, in London, England. Several hundred students competed for the honor, plus $700 in supporting grants, and the 14 youthful science ambassadors were selected from a group of 56 semifinalists. A complete list of the selected students is enclosed.

Announcement of the selections, 10 boys and 4 girls, was made today by Robert H. Carleton, executive secretary of the National Science Teachers Association (NSTA), Washington, D.C. Participation in the London Youth Science Congress is one of several Future Scientists of America programs conducted by NSTA. Supporting grants for the meeting have been provided by the National Aeronautics and Space Administration, the National Science Foundation, and Scholastic Book Services, Inc., publishers of the NSTA Vistas of Science paperback books for students.

More than 400 students from 16 different countries will take part in the London International Youth Science Fortnight. They will be housed at London University. The program, arranged by the British Association for the Advancement of Science, includes lectures by eminent scientists; brain-trust panels; discussion groups; visits to laboratories, museums, and British industries; and an array of social activities. The whole affair is organized and conducted by the Worldfriends organization and under the patronage of His Royal Highness, the Duke of Edinburgh.

Following the London meeting, the U.S. students, together with their adult leaders, Dr. and Mrs. Millard Harmon of Newton, Mass., will make a 3 weeks' science study tour by chartered bus through the Netherlands, West Germany, Switzerland, and France. Each student is paying $500 to cover this portion of the total trip. The group will convene in Washington, D.C., July 13, spend 4 days in the Nation's Capital, and depart from New York City, July 18, by jet for London. Return will be August 21 from Paris.

THE AMERICAN STUDENT DELEGATION OF THE 1962 NSTA INTERNATIONAL YOUTH SCIENCE FORTNIGHT AND EUROPEAN SCIENCE STUDY TOUR

Miss Alice A. Dvorkin, 1279 South Ridgeley Drive, Los Angeles, Calif., Los Angeles High School, age 17, 12th grade, physics.

Mr. Benjamin M. Friedman, 2304 Woodford Place, Louisville, Ky., J. M. Atherton High School, age 17, 12th grade, chemistry.

Mr. William A. Geffen, 4131 East 48th Street, Tulsa, Okla., Edison High School, age 17, 11th grade, chemistry.

Mr. James B. Given, 16 Weidman Road, Route 1, Manchester, Mo., Parkway Senior High School, Chesterfield, Mo., age 17, 11th grade, biology.

Miss Danalee Goldthwaite, Quarters U., U.S. Naval Hospital, Chelsea, Mass., Brookline High School, Brookline, Mass., age 18, 12th grade, biology.

Miss Ann J. Kazanow, 5312 Conrad Street, Skokie, Ill., Niles Township West High School, age 17, 12th grade, biology.

Mr. Kai N. Lee, 552 Riverside Drive, New York, N.Y., age 16, 12th grade, physics.

Miss Lucy A. Lynch, 4638 Tompkins Drive, McLean, Va., McLean High School, age 16, 11th grade, chemistry.

Mr. Kenneth L. Ogan, Route 2, Box 139, Eaton, Colo., Ault High School, Ault, Colo., age 17, 11th grade, chemistry.

Mr. Sam Pasternack, Jr., 2107 Essex Street, Monroe, La., Neville High School, age 18, 12th grade, physics.

Mr. Dennis W. Sivers, 8585 West Stark Street, Portland, Oreg., Sunset High School, Beaverton, Oreg., age 18, 12th grade, physics.

Mr. Michael S. Teitelbaum, 1900 Rookwood Road, Silver Spring, Md., Montgomery Blair High School, age 18, 12th grade, general science.

Mr. Carl C. Wamser, 393 Mountain Avenue, Berkeley Heights, N.J., Governor Livingston Regional High School, age 17, 12th grade, chemistry.

Mr. Arthur S. Warshaw, 2029 South Corning Street, Los Angeles, Calif., age 16, 11th grade, physics.

Mr. MORSE. Mr. President, to Mr. Sivers and to each of his colleagues in the American student delegation I send my best wishes and commendations.

Mr. LONG of Louisiana. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURDICK in the chair.) The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SMATHERS. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. SMATHERS. Mr. President, first I congratulate my very able and distinguished colleague from the State of Louisiana for the splendid speech he has delivered on this important subject. I know it has been a real contribution to the arguments which have already been made, in great number and with great persuasiveness. I am satisfied that if more Senators had had an opportunity to listen to him they would have been persuaded by what he said; and I am certain that if Senators who have not had the opportunity to listen to him will read the RECORD, they will be greatly persuaded by what he has said.

Prior to considering the merits of the goals professed by the legislation at hand, we must first consider the rights Congress has in the matter of regulating the qualifying standards for electors in Federal elections. After a careful study of the problems brought out by this question, I feel that the approach represented by the measures before the Senate for consideration is improper in its constitutional aspects. I feel, for reasons which I shall enumerate, that we would be passing beyond the boundaries set for us by the Constitution if we entered into the area of setting voter qualifications, which is exactly what the proposed measures would have us do. We would not only be entering an area which we have avoided in the past, but we would also be attempting to negate State legislation which, as recently as 1958, has been found valid by the U.S. Supreme Court. Once we recognize the reasons why such proposals on our part are unconstitutional, it is of no avail to consider the avenue any further, for any degree of unconstitutionality, as any degree of death, is necessarily fatal.

Nor is it of any value to us, in contemplating the form of legislation before us, to consider the specific cases in which wrongs have been alleged in the application of the standards set by the States. This is not to say that such alleged wrongs and alleged deprivations of rights as set forth by such groups as the Civil Rights Commission should not concern us here, for indeed they should. However, the point is that we are attempting to apply the wrong remedy to cure such ills. The path we are urged to take in adopting this proposed legislation is clearly unconstitutional and beyond the scope of our powers.

Our subject, or rather the subject of the measures before us, is qualifications of an elector in the election of Federal officials. In fact, S. 2979 would have us set the qualifying standard in both State and Federal elections. It is important that this topic be kept in mind if we are to trace this issue clearly through the Constitution. Regarding this subject, the Constitution has this to say in relation to election in a contest for Representatives to Congress:

> Article I, section 2: * * * the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

This provision was, of course, written by the Constitutional Convention. There can be no doubt from the terms of this article that it was intended for the States to set the qualifying standard in these elections. If the leaders of the country felt that this matter was to be governed by the States, it would, I believe, be informative to look at the practices of the various States at this time in order to note what qualifying standards were in vogue at that time, and to note any essential differences in the practices of that day and of ours. This will give us a method of interpreting how the constitutional fathers would view current standards set by the States.

It will be noted that at least 11 of the Thirteen Original States established qualifications which they felt the electors of that State must possess. While a literacy test was not included in these original qualifying factors, such standards as possessing a certain amount of real property, period of residence, payment of taxes, "quiet and peaceable behavior" and "maturity in years" were used. Thus it is evident that it was recognized, and indeed intended, that the States should exercise reasonable restrictions on the voting privilege. Indeed, such standards as these are not dissimilar to those in use today.

In regard to the establishment of qualifications for becoming an elector, James Madison, writing in Federalist No. 52, had this to say:

> The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent on the Convention, therefore to define and establish this right in the Constitution. To have left it open for the occasional regulation of the Congress, would have been improper for the reason just mentioned. * * * To have reduced the different qualifications in the different States to one uniform rule, would probably have been as dissatisfactory to some of the States as it would have been difficult to the Convention. The provision, made by the Convention appears, therefore, to be the best that lay within their option. It must be satisfactory to every State, because it is conformable to the standard already established, or which may be established by the State itself.

Such a statement as this, made by one of the activists of the Constitutional Convention, must be given due weight.

Thus we see that from the time of the establishment of our Constitution, the power of setting the qualifying standards for becoming an elector was left in the hands of the States, and such was the intention of the framers of the Constitution. But was this power recognized by the Federal courts? Indeed it was. In the decision of *Ex parte Yarbrough* (110 U.S. 651, 663) handed down in 1884, a unanimous Supreme Court said:

> The States define who are to vote for the popular branch of their own legislature, and the Constitution of the United States says the same persons shall vote for members of Congress in that State. It adopts the qualifications thus furnished as the qualifications of its own electors for Members of Congress.

It is of interest to note that their decision, which so clearly recognizes the authority of the States to set reasonable qualifications, was issued after the passage of the 14th and 15th amendments.

Also in *Mason* v. *Missouri* (178 U.S. 328), the Supreme Court said:

> The general right to vote in the State of Missouri is primarily derived from the State and the elective franchise * * * as regulated and established by the laws or constitution of the State in which it is to be exercised.

Also in *Darby* v. *Daniel* (168 F. Sup. 170), the Court stated:

> Under our constitutional system the qualification of voters is a matter committed exclusively to the States.

Thus we see that the language of article I, section 2, was intended by the framers of the Constitution to give the powers of establishing these qualifications to the States. We see also that the Supreme Court has recognized that the exercise of this power is solely within the province of the State government. If then such power in the States is recognized, and has been unquestioned when used in a reasonable and nondiscriminatory fashion, why did the 17th amendment to the Constitution, adopted in 1913, include the exact, same provision for establishing the qualifications for voting in a senatorial election? This would have been the occasion to seek a change by the recognized and declared constitutional procedure. However, no change was made. The words are identical:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

This may be regarded, in a sense, as an affirmation of the Supreme Court's view of the matter, and of the manner in which these qualifications had been set over the 124 years preceding the adoption of this amendment.

In regard to the States setting qualifications for electors in national elections, the Supreme Court continues to recognize the power vested in the States down to the present day. In *Guinn* v. *U.S.* (238 U.S. 347 (1915)), in regard to a questioned literacy test, the Supreme Court said:

> No time need be spent on the question of the validity of the literacy test considered alone since as we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision.

This decision was quoted with approval in the 1958 decision by the Supreme Court of *Lassiter* v. *Northampton Board of Supervisors* (360 U.S. 45) of which more will be said later.

TENTH AMENDMENT ARGUMENT

The importance of the existence of our tripartite system of government cannot be denied. The explicit provisions in the Constitution establishing such a system are too numerous to list at this time. However, I feel it would be of assistance to us to note one of the more important provisions of this nature.

Starting with the 10th amendment we see that the powers not expressly granted to the Federal Government or so prohibited to the States are reserved to the States. I feel it would be of use to us all if anyone would come forward and point out to us the express grant to the Federal Government of the power to establish the standards for becoming electors, or, on the other hand, to show us where the Constitution prohibits the exercise of such powers by the States. Indeed I have just illustrated how this power was not only not expressly granted to the Federal Government but was expressly and specifically given to the States.

TIME, MANNER, PLACE VERSUS QUALIFICATIONS

At the outset I pointed out that it is important for us to realize that the problem before us is one of the Federal Government attempting to set the qualifications which one must possess in order to vote. It is true that the Federal Government is granted some powers under the Constitution in regard to overseeing elections, but it is equally true that nowhere do these powers extend to allow the Government to set up the qualifying standards.

Some who feel this proposed legislation is the proper path for us to take, find solace in the fourth section of article I of the Constitution. This provision states:

> The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations * * *.

It is the last clause quoted in which those who believe these proposals to be constitutional find support for their arguments. However, if we pay close attention to exactly what authority is granted to Congress via this clause, we conclude that this has no bearing on the proposals at hand. Note well that it is the times, places, and manner of holding congressional elections concerned here and it is in regard to these matters alone that Congress is permitted to "make or alter such regulations." Nowhere in this article does the word "qualifications" appear.

It might be said that it was the intention of the framers of the Constitution to construe these words broadly and include qualifications within their scope. However, Alexander Hamilton, who certainly cannot be classified as one who favored a weak central government, tells us of the limitations intended for this clause. In Federalist No. 60 he says:

> The truth is, that there is no method of securing to the rich the preference apprehended, but by prescribing qualifications of property either for those who may elect or be elected. But this forms no part of the power to be conferred upon the National Government. Its authority would be expressly restricted to the times, the places, the manner of elections. The qualifications of the persons who may choose, or be chosen, as has been remarked upon other occasions, are defined and fixed in the Constitution, and are unalterable by the (National) Legislature.

Thus it is evident that this clause was to be interpreted in a very narrow, strict sense by those who placed it in the Constitution.

So certain were the early Members of Congress of the narrow interpretation of this grant of power that it was 50 years after the adoption of the Constitution before any action was taken in regard to any regulation under this clause. At that time Congress passed a law requiring Members of the House of Representatives to be elected by districts; then, in 1870 more extensive laws were passed in regard to the conduct of congressional elections. However, it will be noted that after 24 years of maintaining such regulations, Congress repealed most of these provisions and has not again attained this high water mark in Federal control—a mark which would be greatly surpassed should we enact the proposals before us now.

But let us see how the courts have interpreted this grant of power. In *Ex parte Clark*, 100 U.S. 404, the Supreme Court indicated that the authority to legislate as to the manner of elections, as granted in the Constitution, and here I quote, "does not authorize Congress to determine who shall participate in the elections, or what shall be the qualifications of the voters." In regard to qualification, the Court goes on to say, "their regulation rests exclusively with the States." Even such cases as *U.S.* v. *Classic*, 313 U.S. 347, which grants a certain degree of Federal control over Federal primary elections, say that "it is the right of qualified voters to vote in congressional primaries" over which this control is to be exercised.

Also in *Ex parte Yarbrough* (110 U.S. 651) the Supreme Court said:

> That the right to vote for a Member of Congress is not dependent on the Constitution or laws of the United States, but is governed by the law of each State respectively.

Thus we see that both as intended by the constitutional fathers and as interpreted by later Supreme Court decisions, article I, section 4 does not authorize Congress to set the standards a person must meet in order to vote. So long as such standards are reasonable and just on their face, the setting of such standards is solely within the province of the States.

FOURTEENTH AND FIFTEENTH AMENDMENTS

The 14th amendment of the Constitution is as follows:

AMENDMENT XIV

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SEC. 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a Member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

As early as 1874 in *Minor* v. *Happesett* (88 U.S. 162), the Supreme Court stated that the purpose of the 14th amendment was not to prevent discrimination in fixing the right of individuals to vote in Federal elections. This landmark case points out that "if suffrage was one of the privileges and immunities—referred to in the 14th—why amend the Constitution to prevent its being denied on basis of race," and so forth, as was done in the 15th amendment. Clearly then the 14th amendment was not intended to authorize general legislation to be enacted as to voting rights, and it is this original intent which must control any subsequent legislation purported to be authorized by the amendment.

The 15th amendment, not the 14th, outlined discrimination on the basis of race or color with respect to the right to vote (*Terry* v. *Adams*, 345 U.S. 162).

The 15th amendment provides in part:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. * * *
>
> The Congress shall have power to enforce this article by appropriate legislation.

It is apparent that under the 15th amendment, Congress is not authorized to legislate generally on the subject of voting rights. It was, instead, intended that Congress should penalize any State

action under color of law, which States are prohibited from making or enforcing.

The 14th and 15th amendments may be considered together at this point since the proponents of the proposed legislation rely on the equal protection, due process, and privileges and immunities clauses of section 1 of the 14th amendment. The authority of Congress to act pursuant to these clauses is governed by the same principles as those which govern the power of Congress under the 15th amendment.

> Beyond doubt the amendment does not take away from the State governments in a general sense the power over suffrage which has belonged to these governments from the beginning (*Darby* v. *Daniel*, 168 F. Supp. 170).

Therefore, Congress may pass general legislation on this subject only if the 14th and 15th amendments prohibit State enactments providing for literacy tests. It follows under the rule in the Darby case these State laws are not prohibited by the Constitution. Thus, Congress lack the power to act in the absence of a constitutional amendment.

Again referring to the case of Lassiter against Northampton Board of Supervisors, State literacy tests have been continually upheld as a valid exercise of State power. Congress may not declare such State laws unconstitutional by enacting conflicting general law, nor for that matter, may Congress enact preemptive legislation regardless of the intent of such legislation when there is no constitutional basis for such action. The only power granted to Congress by the Constitution in this area is the power to determine the time, place, and manner of choosing electors under article I, section 4.

The Supreme Court in 1958 unanimously upheld a North Carolina literacy test in the Lassiter case, stating:

> The States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised, absent of course the discrimination which the Constitution condemns.

Therefore it is clear that all that is required of the State laws is that they meet the suffrage requirements of the 15th and 19th amendments. This is for the Court to determine and this is no proper basis for the imposition of a national "norm." Indeed, it would set a dangerous and unwarranted precedent in the history of constitutional interpretation.

As Mr. Justice Douglas stated in the 1960 case of *Hannah* v. *Larche* (363 U.S. 494):

> We live and work under a Constitution. The temptation of many men of good will is to cut corners, take short cuts, and reach the desired end regardless of means.

The "desired end" is not here challenged but unquestionably the "means" must be a constitutional amendment.

THESE STATE STATUTES ARE NOT UNCONSTITUTIONAL

The impact of these constitutional provisions is clear; the color of a man cannot be a reason to grant or deny him the right to vote. But, those qualifications, which have no reasonable relation to race or color, are to be decided by the States themselves. It is true that our form of government demands the widest possible availability of the right of suffrage for all citizens without discrimination as to race or color. It is up to the Supreme Court to determine whether these State laws setting up qualifications are arbitrary or unreasonable. The Supreme Court in *Pope* v. *Williams* (193 U.S. 621 (1904)), interpreted the 15th amendment:

> Since the 15th amendment the whole control over suffrage and the power to regulate its exercise is still left with and retained by the several States, with the single restriction that they must not deny or abridge it on account of race, color, or previous condition of servitude.

True also, these qualifications cannot be arbitrary, capricious, and unreasonable. For instance, no one would assert that a State could set up voting qualifications modeled after the philosopher kings of Plato's Republic. Such regulation of the right of suffrage would be unreasonable by any standard and would violate the due process clause of the 14th amendment. On the other hand, a literacy test has a definite reasonable relationship to the qualifications for voting, and such a requirement does not per se discriminate against any group.

In *Guinn* v. *U.S.* (238 U.S. 347 (1915)), the Supreme Court commented for the first time on the literacy tests:

> No time need be spent on the question of the validity of the literacy test considered alone since as we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision.

This decision was reaffirmed by a unanimous decision in 1958 by the Court in *Lassiter* v. *Northampton County Board of Supervisors* (360 U.S. 45). These State statutes are not unconstitutional, it is not the State law that proponents of these three bills wish to attack, but it is the occasional abuse in their application that has caused the stir. As of March 23 of this year the Civil Rights Division of the Department of Justice has had 25 cases brought under the 1957 and 1960 Civil Rights Acts charging discrimination in the application of these voting qualifications. This discrimination was charged because the literacy tests were alleged not to have been fairly administered. In other words, the crux of the discrimination was not the State law, but instead, improper application of that State law.

In the 1957 and 1960 Civil Rights Acts, which we passed, we gave to the Attorney General authority on his own motion to move into any area of the country at any time if he felt or believed there was reasonable ground for his conclusion that some action needed to be taken by the Department of Justice to protect a citizen's voting rights.

In view of the fact that he has close to 2,000 lawyers working for him, overall, a large number of them in the Civil Rights Division, it seems rather interesting to me that, with all the publicity given to this kind of so-called discrimination since 1957, he has been able to bring only 25 court cases, and that there have bene only 523 complaints in a nation of more than 185 million. This would indicate that there is no basic need for any additional legislation. As a matter of fact, the Department has all the legislation which is now needed. If there is any criticism to be made, it cannot be based on any lack of legislation, but rather, possibly, on the lack of use of the legislation which is now on the books.

Nineteen States have literacy tests, but these cases brought by the Attorney General occurred in only four States. In short, violations have occurred, but we must not circumvent the Constitution in protecting against these violations. Instead, we must rely, as we have in the past, on the Attorney General and the Justice Department to make certain that no more discrimination, if that is what is occurring, takes place. As the able senior Senator from North Carolina [Mr. ERVIN] has observed:

> Congress would be killing the patient to cure the disease if it took away the right of a State to decide to have an intelligent electorate.

In Lassiter against Northampton County Board of Supervisors, the Supreme Court ruled that a literacy test is a reasonable requirement for exercise of the franchise to vote. The States are entitled as part of their policy to require some minimum standard of education. Today we live in a society that is constantly changing and consequently becoming more complex; in short, in order to cope with today's problems, it is inevitable that there be an increasing emphasis on education.

A standard needs to be set up in order to insure an intelligent electorate. No one would deny that a reasonable educational standard is needed. In fact the proponents of these three bills have set up a standard—completion of six primary grades in a public school or an accredited private school. They claim that the State standards are vague and nebulous and therefore discriminatory. When the Federal judiciary finds such laws are unreasonable, they strike down the standard as invalid. In *Davis* v. *Schnell* (81 F. Supp. 872 (D.C.S.P. Ala., 1949)), the Court found that an amendment to the Alabama constitution which limited registration of voters to "those who could understand and explain" any article of the Federal Constitution was invalid because "understand and explain" provided no reasonable standard. These proposed bills which set up the standard of completion of a sixth-grade education are unreasonable too. They dogmatically assume that completion of six primary grades equips every individual to exercise the franchise to vote intelligently. Such a standard does not take into account the individual; in fact, in many instances it may sacrifice the qualified individual who does not meet this dogmatic test, but who most certainly possesses intelligence and self-taught educational background. Even today there is a need in our society for the self-made man.

It would seem to me to be equally logical that the proponents of the bill, having proposed a literacy test on the basis of the accomplishment or completion of the sixth grade, should have

gone further and said that anyone who finally finishes the sixth grade should be permitted to vote, because, according to their standards, that fact alone indicates that those particular individuals, whether they are 13 or 14 or 15 years old, having finished the sixth grade, have the competency, in the judgment of the proponents of the bill, to cast an intelligent vote. I do not subscribe to that theory; but it seems to me that if it can be argued that that should be the test, then, having adopted that test, if that is their proposal, and if that is what they seek to do, they should allow those persons to vote.

On the other hand, it is common knowledge that a standard of a sixth-grade education cannot be uniform on a national scale. It is dogmatic to assume that every school system maintains the same standards. Some schools have a policy of social promotion; other schools are engaged in educating the mentally retarded and therefore quite naturally maintain different educational policies. These bills create a conclusive presumption that all persons who have completed six grades can qualify as literate. The Census Bureau has found that the sixth-grade level was the point at which most people are able to read and write. This arbitrary cutoff point is patently untenable; we all know that many people due to mental and/or physical infirmities do not suddenly become literate at this stage in their education, and other people are literate before this time.

Even if such an act were constitutional in that we were to assume Congress did have the power to regulate voting qualifications, this arbitrary cutoff point is unreasonable and therefore would be invalid. The proponents of these bills claim to be protecting the rights of the individual, but to set up such an arbitrary standard as this would be sacrificing many individuals.

This power to set up voter qualifications belongs to the States because there, and only there, can the individual case be dealt with. Every State is striving to improve its educational standards today, but, as we all know, there is a great variance among States and even within a State as to the quality of education. Therefore, voting qualifications is a problem that must be dealt with on a local basis. The laws setting out the voting qualifications must not be discriminatory, and the application of these laws must be impartially applied to each individual. However, our Founding Fathers understood the need for this power to be left to the States themselves, and the courts have found that the same reasons continue to prevail today. When there is no longer any reason for a particular law, then that law should be stricken from the records, but in this instance the need still prevails. We do not have uniformity of education throughout this vast country, therefore there is no reason to strike down what the Constitution itself so clearly states and what the courts have so unanimously interpreted the Constitution to still mean.

ONLY CONSTITUTIONAL AMENDMENT CAN PROVIDE SUCH LAW

Mr. President, only a constitutional amendment can provide the proper medium to bring about the change which the proponents of the bill seek. In the case of *Texas* v. *White* (74 U.S. 700), the Court said:

> The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States.

This is the real issue at stake now here before us because we have in this Republic a dual system of government—National and State—and each operates upon the same persona and within the same territory. Certain matters are absolutely left to the National Government. However, historically, for very practical reasons, voter qualification has been left to the States.

The Constitution clearly spells this out. As I have previously explained, there has been no express grant of this power to the National Government; in fact, there has been an express reservation of this power in article I, section 2, and in the 17th amendment. The 15th amendment only prohibits a State from using race or color as a prerequisite for qualifying to vote. In 1870, after the House passed the amendment, the Senate tried to amend it by adding prohibitions against discrimination on grounds of education. This proposed amendment was defeated in the House, and ultimately the present amendment became the law. It would be incongruous to argue that the 15th amendment implies prohibitions against educational qualifications, when Congress expressly rejected any such amendment.

In 1913, the 17th amendment, providing for the popular election of Senators, was passed. In the first paragraph of the amendment it is stated:

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Nothing in the CONGRESSIONAL RECORD even intimates that Congress made any attempt to limit the authority of the States to prescribe the qualifications of voters for Senators. This provision is identical with that of article I, section 2, dealing with the choosing of Representatives for Congress. In other words, from the time of the adoption of the original Constitution to the adoption of the 17th amendment, over 123 years, there was no doubt that the responsibility for setting voter qualifications belonged to the States.

In order to give women suffrage, the 19th amendment had to be passed. Today the Constitution is just as clear in providing that the States shall regulate voter qualification as it was, before ratification of the 19th amendment, in showing that women had no right of suffrage. No one would contend that the suffrage could have been given to women without a constitutional amendment; and surely no one can now logically contend that the regulation of voter qualifications can be taken from the States without an amendment to our Constitution.

Mr. President, recently the Senate passed a joint resolution proposing a constitutional amendment to abolish the poll tax. Theretofore, bills to accomplish the same result had been introduced by Senators who maintained that could be done by having the Congress merely enact such a statute. However, I was proud of the fact that the President of the United States, the Attorney General of the United States, and others recommended that the only proper way to bring about elimination of the poll tax as a condition precedent to voting in any of the States of the Union was the ratification of a constitutional amendment for that purpose; and they very properly got in contact with my distinguished senior colleague, the Senator from Florida [Mr. HOLLAND], who was the sponsor of the proposed constitutional amendment to eliminate the poll tax, and urged him to go forward with his proposal. So by the constitutional amendment process we proceded in connection with our efforts to eliminate the poll tax; and obviously, that is the way we must now proceed if we are to change the constitutional provisions with respect to voter qualifications. That can be done only by constitutional amendment, if it is to be done constitutionally, legally, and validly.

In the 1959 report of the Civil Rights Commission, it was recommended that the Constitution be amended in order to accomplish what the three measures now before us seek to accomplish. But now, 3 years later, the Commission seeks to circumvent the Constitution by congressional act. However, Mr. President, Congress does not have such power. The supreme law of the land clearly states that this power has not been given to Congress.

Mr. President, it is interesting to me to note that in 1959, in making the recommendation with respect to voter qualifications, the Civil Rights Commission specifically stated that the change could be made only by means of a constitutional amendment. Yet just 2 years later the Civil Rights Commission finally decided that that could be done merely by a congressional act. The only possible explanation which can be given for this change in the position of the Civil Rights Commission is the change in some of the membership of the Commission. Obviously, however, in 1959 the Civil Rights Commission was correct—in fact, the position it took at that time is supported by all the constitutional cases which bear on this subject—when it stated that the only way this objective could be achieved was by means of a constitutional amendment. Thus, it is obvious that in 1961 the Civil Rights Commission was completely incorrect when it recommended that the same result could be achieved merely by the enactment of such a law by Congress.

There is only one method by which these proposals can become law—by amending the supreme law of the land. Only by amending the Constitution itself can this proposed legislation become valid law. By putting into operation the machinery for constitutional amendment, the people of our United States

can decide what the law should be. Congress, acting alone, cannot do this. Our forefathers sagaciously anticipated such legislation as this, and they realized the need for the individual deliberation of each and every voter. Therefore, they wisely chose to restrain Congress from passing on such matters.

A matter of this kind and of such importance can be decided only directly by the voters themselves; and if their decision calls for a constitutional amendment, every one of us here, regardless of our personal convictions, will abide by that decision, for then, and only then, would the proposed change be the valid law of the land.

I plead that we do not further erode our Constitution by attempting to short circuit it in order to obtain results, no matter how worthy may be the motives of those who promote this scheme.

Mr. President, with respect to those motives, I should like to state very briefly that, in my judgment, I really cannot believe there is any motive behind this particular measure except a political motive. As I have already stated, there are already on the statute books ample laws to cover this situation. As I have said, from the 185 million people of the United States, there have been received only a little more than 600 complaints, and only 25 court cases have been instituted, and there have been only 315 sworn complaints. So, even if all those complaints are valid, obviously no great injustice is being done.

The fact is that those who seek to promote the enactment of legislation of this kind have in the back of their minds, in my judgment, the desire to achieve the political result of obtaining the votes of those who make up certain well organized minority groups in some of the larger States, particularly in the eastern part of the United States, where these particular groups have "the swing vote"—in other words, where the votes ordinarily are so evenly divided between the two major political parties that this well organized minority vote is able to swing the election and to carry the electoral votes of such States in favor of the person who receives the votes of that minority group. So, the motive of those who favor this measure is to have exactly that happen—in other words, to obtain the votes of that minority group, and thereby swing the vote of the entire State. I believe it has been evident from the outset of this debate that such a political motive is really what is behind this entire proposal.

Therefore, Mr. President, I hope that in dealing with this matter, the good sense and the good judgment of the Senate will prevail. I am certain that Senators do not wish to cause great injustice to be done to innocent persons throughout the country who must look to the Constitution of the United States for their protection, and who clearly would find their rights in jeopardy if there were any further erosion or destruction of the constitutional provisions.

I hope and believe that good judgment and good sense will prevail in this body. I am of the opinion that it will.

ADJOURNMENT

Mr. SMATHERS. Mr. President, if there is no further business to be taken up by the Senate at this time, I move that the Senate now adjourn in accordance with the order previously entered.

The motion was agreed to; and (at 7 o'clock and 8 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Wednesday, May 2, 1962, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 1, 1962:

United Nations

Walter M. Kotschnig, of Maryland, to be the representative of the United States of America to the 17th plenary session of the Economic Commission for Europe of the Economic and Social Council of the United Nations.

Department of State

G. Griffith Johnson, of Connecticut, to be an Assistant Secretary of State.

Edwin M. Martin, of Ohio, a Foreign Service officer of the class of career minister, to be an Assistant Secretary of State.

U.S. Advisory Commission on Information

Clark R. Mollenhoff, of Iowa, to be a member of the U.S. Advisory Commission on Information for a term expiring January 27, 1965, and until his successor has been appointed and qualified.

Morris S. Novik, of New York, to be a member of the U.S. Advisory Commission on Information for a term expiring January 27, 1965, and until his successor has been appointed and qualified.

U.S. Advisory Commission on International Educational and Cultural Affairs

The following-named persons to be members of the U.S. Advisory Commission on International Educational and Cultural Affairs for the term indicated, and until his successor has been appointed and qualified.

FOR A 1-YEAR TERM

Dr. Walter Adams, of Michigan.
James R. Fleming, of Indiana.
Dr. Mabel M. Smythe, of New York.

FOR A 2-YEAR TERM

Dr. Walter Johnson of Illinois.
Dr. Roy E. Larsen, of Connecticut.
Dr. Franklin D. Murphy, of California.

FOR A 3-YEAR TERM

Dr. Luther H. Foster, of Alabama.
Dr. John W. Gardner, of New York.
The Reverend Theodore Martin Hesburgh, of Indiana.

Diplomatic and Foreign Service

Lucius D. Battle, of Florida, for reappointment in the Foreign Service as a Foreign Service officer of class 1, a consul general, and a secretary in the diplomatic service of the United States of America, in accordance with the provisions of section 520(a) of the Foreign Service Act of 1946, as amended.

Alton W. Hemba, of Mississippi, now a Foreign Service officer of class 2 and a secretary in the diplomatic service, to be also a consul general of the United States of America.

The following-named persons for appointment as indicated:

To be Foreign Service officers of class 7, vice consuls of career, and secretaries in the diplomatic service of the United States of America

John F. Archer, of California.
Richard C. Barkley, of Michigan.
Robert L. Barry, of Pennsylvania.
Natale H. Bellocchi, of New York.
Norman M. Bouton, of Indiana.
A. Donald Bramante, of Virginia.
John R. Countryman, of New York.
Miss Marie R. de Gunzburg, of New York.
Eugene Klebenov, of Massachusetts.
James E. Leader, of Delaware.
William K. Mackey, of the District of Columbia.
Andrew J. Pierre, of New York.
Gilbert F. Rankin, of California.
Frederick S. Vaznaugh, of California.

To be Foreign Service officers of class 8, vice consuls of career, and secretaries in the diplomatic service of the United States of America

Michael J. Barry, of New York.
William W. Beyer, of New Jersey.
Richard A. Christensen, of Wisconsin.
John R. Davis, of New York.
Peter Jon de Vos, of the District of Columbia.
Charles F. Dunbar, Jr., of the District of Columbia.
Henry A. Engelbrecht, Jr., of Maryland.
Ronald D. Flack, of Minnesota.
Carmen L. Gentile, of Massachusetts.
John L. Gibson, of Iowa.
Miss Dixie L. Harrington, of Iowa.
Miss Ruth M. Held, of New York.
M. Charles Hill, of New Jersey.
Miss Carolyn M. Kruschke, of Minnesota.
Edward A. Mainland, of California.
Paul M. Meo, of Massachusetts.
Robert P. Myers, Jr., of California.
Thomas M. T. Niles, of Kentucky.
Ernest D. Oates, of California.
Arthur M. Odum, of Texas.
Walter E. Stadtler, of New York.
Carl Taylor, of Vermont.
Joel D. Ticknor, of New York.
Thaddeus C. Trzyna, of California.
Frank Tumminia, of New York.

The following-named Foreign Service Reserve officers to the office indicated:

To be consuls of the United States of America

Gilbert F. Austin, of Washington.
John H. Backer, of North Carolina.
James P. Burke, of Maryland.
James D. Conley, of Indiana.
Robert M. Gilkey, Jr., of the District of Columbia.
Benjamin H. Jackson, Jr., of Rhode Island.
William A. K. Jones, of the District of Columbia.
Barry R. Nemcoff, of Pennsylvania.
Robert L. Nichols, of New Hampshire.
Ralph G. Sheehafer, of Virginia.
Laurence Sharpe, of Illinois.
Robert B. Warner, of Michigan.

To be vice consuls of the United States of America

James E. Bradshaw, of Tennessee.
Earl Monroe Dennis, Jr., of Virginia.
Arthur P. Frizzell, of Maine.
Thomas J. Gunning, of Wisconsin.
C. Clark Rumrill, of New York.
Creed Davis Tucker, of Illinois.

To be a vice consul and a secretary in the diplomatic service of the United States of America

Arthur M. Niner, Jr., of New Jersey, a Foreign Service Reserve officer.

To be secretaries in the diplomatic service of the United States of America

David H. Blee, of California.
Charles O. Coudert, of Connecticult.
Charles B. Fahs, of New Jersey.
John P. Horgan, of Virginia.
Lloyd L. Lee, of Hawaii.
Alan D. Wolfe, of New York.

The following-named Foreign Service Staff officers to the office indicated.

To be consuls of the United States of America

William C. Kirk, Jr., of Florida.
Frederick W. Shaffer, of Pennsylvania.
Mrs. Corinne W. Spencer, of Texas.

DEPUTY ATTORNEY GENERAL

Nicholas deB. Katzenbach, of Illinois, to be Deputy Attorney General.

U.S. DISTRICT JUDGE

Stephen J. Roth, of Michigan, to be U.S. district judge for the eastern district of Michigan.

U.S. PATENT OFFICE

Ezra Glaser, of Virginia, to be an Assistant Commissioner of Patents.

HOUSE OF REPRESENTATIVES

TUESDAY, MAY 1, 1962

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Romans 8: 28: *We know that all things work together for good to them who love God.*

Eternal God, grant that, in the glory and wonder of this springtime, when all nature renews itself and reveals its splendor, we may have the inspiration and insight to see in it the promise and prophecy of the more abundant and radiant life which Thou wouldst have us possess and enjoy.

May we know the thrill and triumph of a life that has come under the spell and sway of Thy transforming and transfiguring spirit, releasing within us a new power that can challenge and conquer the forces of darkness and despair, of fear and frustration.

We earnestly beseech Thee that all who daily assemble in this Chamber and all who are in the galleries may be brought nearer to the sanctuary of Thy love; and wilt Thou sanctify to us alike the various experiences of life, the failures and good fortunes, its sunlight and shadows, believing that all things will work together for our blessedness if we love Thee.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

HOM HONG HING

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 3008) for the relief of Hom Hong Hing, also known as Tommy Joe, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Line 8, strike out all after "fee." down to and including line 12.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

EXECUTIVE COMMUNICATION NO. 1944

Mr. ALBERT. Mr. Speaker, after consultation between the Speaker and the gentleman from Maryland [Mr. FALLON], I ask unanimous consent that Executive Communication No. 1994, which was referred to the Committee on Public Works, be referred to the Committee on Banking and Currency.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

COMMITTEE ON BANKING AND CURRENCY

Mr. ALBERT. Mr. Speaker, on behalf of the gentleman from New York [Mr. MULTER], I ask unanimous consent that Subcommittee No. 3 of the Committee on Banking and Currency may be permitted to sit during general debate from May 1 through May 11.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. BROWN. Reserving the right to object, Mr. Speaker, may I inquire what legislation is being handled that we are being asked to give unanimous consent for this committee to sit during general debate for 11 days?

Mr. ALBERT. It is in the field of mass transportation.

Mr. BROWN. That is a rather unusual request, Mr. Speaker. Has it been cleared with the leadership?

Mr. ALBERT. The gentleman from Illinois has cleared it.

Mr. BROWN. That is a rather unusual request, but I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

COMMITTEE ON THE JUDICIARY

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have permission to sit during general debate on Thursday next.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

USE OF DIVERTED WHEAT AND FEED GRAIN ACREAGE

Mr. JONES of Missouri. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 11413) to amend the Agricultural Act of 1961 to permit the planting of additional nonsurplus crops on diverted acreage.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. HOEVEN. Mr. Speaker, reserving the right to object, would the gentleman explain the purpose of this legislation?

Mr. JONES of Missouri. The purpose of this legislation is to permit farmers greater flexibility in the use of the diverted acres; that is, acres diverted from wheat and feed grains under the 1962 program which is in effect. I think the thing that the gentleman would be interested in is the fact that it will reduce the cost to the Government of the 1962 wheat and feed grain programs and will encourage the production of crops that are not in surplus.

Mr. HOEVEN. Mr. Speaker, further reserving the right to object, I yield to the gentleman from South Dakota [Mr. REIFEL].

Mr. REIFEL. Mr. Speaker, this bill which I introduced is designed to make it possible, in the case of flaxseed growers, to grow flaxseed on diverted acres providing the Secretary of Agriculture finds that such crop is not in surplus; and by permitting the crop to be grown on diverted acres it would not add to the surplus. At the same time the crop would be grown without the expense to the Government of the diversion payments. This would in turn make it possible to effect a saving in that regard. Then in respect to other crops such as guar and safflower seed, and other crops mentioned in the bill, that are not in surplus, and which need some encouragement, as for example sesame seed, which is used in the making of crackers of various kinds; the Secretary of Agriculture, if he found it to be in the interest of the program, could permit up to 50 percent of the diversion payments to be paid to the farmers who would grow these kinds of crops.

In the overall effect, Mr. Speaker, this bill should make it possible for us to effect a saving so far as our diversion payments are concerned in these two 1-year temporary programs with regard to feed grains and wheat.

Mr. HOEVEN. Mr. Speaker, this bill was reported out of the committee unanimously.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 124(a)(2) of the Agricultural Act of 1961 is amended by changing the proviso to read as follows: "*Provided,* That the Secretary may permit such diverted acreage to be devoted to the production of guar, sesame, safflower, sunflower, castor beans, other annual field crops for which price support is not made available, and flax, when such crops are not in surplus supply and will not be in surplus supply if permitted to be grown on the diverted acreage, subject to the provisions of subsection (b)(4) of this section."

SEC. 2. Section 124(b)(1) of the Agricultural Act of 1961 is amended by striking out "or sesame." and inserting: "sesame, other annual field crops for which price support is not made available, or flax, payment for which shall be computed in accordance with subsection (b)(4) of this section."

SEC. 3. Section 124(b) of the Agricultural Act of 1961 is amended by adding the following new subsection:

"(4) Payment with respect to diverted acreage devoted to castor beans, guar, safflower, sunflower, seasame, other annual field

crops for which price support is not made available, or flax, in accordance with the proviso of subsection (a) (2) of this section, shall be at a rate determined by the Secretary to be fair and reasonable taking into consideration the use of such acreage for the production of such crops: *Provided*, That in no event shall the payment exceed one-half the rate which would otherwise be applicable if such acreage were devoted to conservation uses and no price support shall be made available for the production of any such crop on such diverted acreage."

SEC. 4. Section 16(d)(1) of the Soil Conservation and Domestic Allotment Act, as amended, is further amended by changing the proviso in the first sentence to read as follows: "*Provided*, That the Secretary may permit such diverted acreage to be devoted to the production of guar, sesame, safflower, sunflower, castor beans, other annual field crops for which price support is not made available, and flex, when such crops are not in surplus supply and will not be in surplus supply if permitted to be grown on the diverted acreage, subject to the condition that payment with respect to diverted acreage devoted to any such crop shall be at a rate determined by the Secretary to be fair and reasonable, taking into consideration the use of such acreage for the production of such crops, but in no event shall the payment exceed one-half the rate which would otherwise be applicable if such acreage were devoted to conservation uses and no price support shall be made available for the production of any such crop on such diverted acreage".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the bill on the Private Calendar.

LAND CONVEYANCE, FLORIDA

The Clerk called the bill (H.R. 5456) to provide for the conveyance of certain real property of the United States to the former owners thereof.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture shall convey, without consideration therefor, to Mayo Drake, Herman L. Drake, John Cecil Drake, Ruby M. Drake, Clara O. Drake, and Lilla H. Drake, as tenants in common, all right, title, and interest of the United States in and to the real property described as the northwest quarter southwest quarter, section 12, township 2 south, range 5 west, Leon County, Florida, containing 35 acres more or less, which real property was acquired by the United States under the final judgment entered October 29, 194:, by the United States District Court for the Northern District of Florida in the condemnation proceedings entitled United States of America against 24,814.602 acres, more or less, of land, T.C. Numbered 41.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Private Calendar.

COMMITTEE ON RULES

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight to file a report on the so-called Satellite Communications Act.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

THE HONORABLE CARL VINSON

Mr. LANDRUM. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LANDRUM. Mr. Speaker, last week down in Georgia the district Democratic executive committees of the various congressional districts met for the purpose of adopting rules and regulations under which the congressional primaries are to be run this year. The chairman of the Sixth District Democratic Executive Committee at this meeting made some statements with regard to one of our dear and distinguished colleagues that I feel are appropriate for the membership to hear, and I would like to read the brief statement and resolution that Mr. Charles J. Bloch, a distinguished attorney and very great American had to say about our dear and distinguished friend, the gentleman from Georgia, Mr. CARL VINSON. He said:

This is a unique occasion, one without precedent, I believe, in the history of the United States of America. We are gathered to adopt rules for the Congressional Primary, Sixth Congressional District of Georgia. In that primary, the nominee of the Democratic Party of Georgia to be Representative of this District will be chosen.

Since November 3, 1914, the Honorable CARL VINSON has been a Representative in Congress from Georgia.

On November 3, 1914, almost 50 years ago, Mr. VINSON was elected to the 63d Congress to fill an unexpired term. Biennially since then he has been reelected, so that now, serving in the 2d session of the 87th Congress, he has been serving 25 consecutive terms—longer we believe than any living citizen ever before served consecutively in the House of Representatives of the United States.

What a period of time that is:

When the present Speaker of the House came there, Mr. VINSON had been there 14 years. When the minority leader, Mr. HALLECK, came there, Mr. VINSON had been there 21 years. When our friend, Judge HOWARD W. SMITH, chairman of the Rules Committee, came, Mr. VINSON had been there 17 years. When the President of the United States was born, Mr. VINSON had been in Congress almost 3 years; when the President was elected to the House from the 11th Congressional District of Massachusetts in 1946, Mr. VINSON had been there 32 years.

That term of service has been along with eight Presidents: Presidents Wilson, Harding, Coolidge, Hoover, Franklin D. Roosevelt, Truman, Eisenhower and Kennedy.

For 16 of those years, Mr. VINSON was chairman of the old Naval Affairs Committee. Since the Armed Services Committee was formed as a combination of the Naval Affairs Committee and the Military Affairs Committee, he has been its chairman save one term when the opposing party controlled the Congress.

What changes have been his to view and supervise.

From machineguns to atom bomb.

From the days when the cruise of the *Oregon* was still being celebrated to this day when jet planes fill the air, and atomic submarines fill the sea.

Through World Wars I and II, through the Korean war, he has served and guided us.

That service, that guidance, has been without a blemish. That career has been one of unselfish, unsullied devotion to these United States of America. That career shines as an example of patriotism. In these days when there are those who scoff at the word "patriot," we are proud to hail Mr. VINSON as the superpatriot of this era.

It is fitting that as the preliminaries of this meeting have been concluded, we pause in gratitude and thanks and hope.

In gratitude to Almighty God for having given Mr. VINSON to us, and permitted him to serve in health and vigor these many, many years.

In thanks to Mr. VINSON for those sturdy traits of character which have made the phrase, "Chairman VINSON of Georgia" a shibboleth of honor, service, and tradition.

In hope that he will again become a candidate of the Democratic Party of Georgia for Representative of our district.

In hope, too, that when elected he will be spared by providence to serve his beloved country and us, his friends and neighbors, not only so as to complete 50 years of service, but for years and years to come.

I suggest to you, therefore, that a delegate move the adoption of what I have said to you as a resolution of this meeting—a resolution of thanks and hope—of gratitude—and of endorsement of Mr. VINSON's candidacy for nomination as your Representative from the Sixth Congressional District of Georgia.

I realize that this resolution is unusual in form, that my request may be unusual at this particular phase of the meeting; but this is an unusual occasion, and all of us should be proud to be participating in it.

Now, Mr. Speaker, so am I proud, as I know each Member of this House is proud, to adopt the words of the resolution so beautifully expressed by Mr. Charles Bloch in behalf of Mr. VINSON, and say to him we are glad we can serve with a man who commands such great admiration from his homefolks and other outstanding citizens.

NATURAL GAS FOR RESALE FOR INDUSTRIAL USE

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 607, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6949) to amend section 4(e) of the Natural Gas Act, to authorize a gas distributing company to complain about a rate schedule filed by a natural gas company and to give the Federal Power Commission authority to suspend changes in rate schedules covering sales for resale for industrial use only. After general debate, which shall be confined to the bill, and shall continue not to exceed

one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN] and pending that, myself such time as I may consume.

Mr. Speaker, so far as I know, there is no controversy over the adoption of this rule. The purpose of the bill, which this resolution makes in order, is to fill a loophole in the Natural Gas Act and empower the Federal Power Commission to treat rate increases proposed by companies distributing power for industrial use only in exactly the same way that other rate increases are treated today. It would enable the Power Commission to suspend the rate increases becoming effective until such time as the Power Commission made a decision and would thus put industrial users on the same basis as private users.

I repeat, Mr. Speaker, I know of no controversy over this rule and reserve the balance of my time.

Mr. BROWN. Mr. Speaker, the gentleman from Missouri [Mr. BOLLING], my colleague on the Committee on Rules, has very ably and very well explained this rule and the bill which it makes in order for consideration under 1 hour of general debate.

The bill, H.R. 6949, as I recall, was reported unanimously by the very able House Committee on Interstate and Foreign Commerce. The rule was reported unanimously by the Committee on Rules. It is, as the gentleman from Missouri explained, simply a corrective measure to protect certain rights in connection with the sale and resale of natural gas.

Mr. Speaker, we have no requests for time.

Mr. BOLLING. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ALL-CHANNEL TELEVISION RECEIVERS

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 608 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8031) to amend the Communications Act of 1934 in order to give the Federal Communications Commission certain regulatory authority over television receiving apparatus. After general debate, which shall be confined to the bill, and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN], and pending that, myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 8031, which is made in order by House Resolution 608, is to authorize the Federal Communications Commission to require that all television receivers shipped in interstate commerce or imported into the United States be equipped at the time of manufacture to receive all television channels. The purpose of giving this authority to the Federal Communications Commission is to make useful both the VHF frequencies and the UHF frequencies.

I gathered there was some controversy about this bill in committee, but this represents a compromise that was finally agreed upon. There was little controversy before the Committee on Rules. I reserve the balance of my time.

Mr. BROWN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the distinguished gentleman from Missouri [Mr. BOLLING] has explained, this resolution makes in order the consideration of H.R. 8031 under 2 hours of general debate.

Mr. Speaker, H.R. 8031 is a bill which would prohibit manufacturers to ship in interstate commerce, after a certain date, television receivers not equipped so as to receive all frequencies—the very high frequencies of which I think there are 13 channels, and a greater number of other channels to receive ultrahigh frequency telecasts.

Mr. Speaker, in my opinion this bill, over which there was some controversy in the Committee on Interstate and Foreign Commerce, and additional controversy in the Rules Committee, is stretching the interstate commerce clause of the Constitution once more a little too far. In other words, in recent years the interstate commerce clause of the Constitution has been used to permit the Federal Government to do about anything it might desire to do in connection with any matter, by limiting shipment in interstate commerce. Of course, under this act it would be legal to make the ordinary, old type television receiver, as we know it, able to cover the very high frequency telecasts—some 13 channels only—if one did not ship it out of the State. But if one did ship such a receiver out of the State, one would come under this law, and would be in violation of the law.

Mr. Speaker, in connection with this particular bill one must remember that the ultrahigh frequency stations are very, very short in their telecast range—10 to 15 miles, usually—with most of them located in large cities only. The very high frequency stations, which relatively occupy only a few channels—and I do appreciate that there is a question as to how to distribute those channels properly—cover long ranges of territory, hundreds of miles.

Mr. Speaker, the enactment of this bill would simply mean that everyone in the rural areas, where ultrahigh frequency stations are not available, will be compelled, when they purchase a new television receiver, to pay anywhere from $15 to as much as $40 more for equipment equipped to receive ultrahigh frequency signals which they cannot receive because of the limitations of distance. In other words, the only television service they can receive, or would be able to receive, is that which they receive now from very high frequency station telecasts or channels. But they would be required to purchase this higher priced new equipment regardless.

While I personally understand the problems which confront the Interstate and Foreign Commerce Committee in connection with the distribution of the few very high frequency radio channels now available in order to cover the country, because I did serve on the Communications Subcommittee of that great committee for a good many years, I still feel that placing this new burden of extra cost on all of the people in the rural districts, who will be unable to receive ultrahigh frequency signals, by requiring they must purchase equipment they do not need, do not want, and cannot use, is indeed a questionable use of our legislative powers.

Mr. AYRES. Mr. Speaker, will the gentleman yield?

Mr. BROWN. I yield to my colleague from Ohio.

Mr. AYRES. I shall ask the gentleman from Ohio, Is it not true that there is an expansion of programing in the UHF field that this will help?

Mr. BROWN. I will answer by saying I am advised 75 percent of the present ultrahigh frequency stations are not now moneymakers; but are having difficulties, and many of them are closing down.

Mr. AYRES. In my hometown of Akron, Ohio, we only have one channel and it is a UHF channel. We would be very happy to have a VHF there, but in the meantime it would be very nice if all of the people could receive the UHF.

Mr. BROWN. I have the highest respect and regard for Akron and Summit County, and the people of that area; but I am very sure their Representative in Congress, with his great ability and ingenuity can soon get them a very high frequency station, if he desires.

Mr. AYRES. I have been trying for a number of years.

Mr. BROWN. I know of no man in the Congress of the United States who has been more able or zealous in taking care of the needs of his community than the gentleman from Summit County, my colleague from Ohio [Mr. AYRES].

Mr. AYRES. Will the senior member of the Ohio delegation, the gentleman from Blanchester, offer his assistance in getting us a VHF station?

Mr. BROWN. The gentleman has always been of assistance to all of his colleagues, whenever possible, and especially to the gentleman from the 14th District of Ohio.

Mr. AYRES. I thank the gentleman.

Mr. BROWN. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NATURAL GAS FOR RESALE FOR INDUSTRIAL USE

Mr. HARRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6949) to amend section 4(e) of the Natural Gas Act, to authorize a gas distributing company to complain about a rate schedule filed by a natural gas company and to give the Federal Power Commission authority to suspend changes in rate schedules covering sales for resale for industrial use only.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 6949, with Mr. BASS of Tennessee in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. HARRIS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the Committee on Interstate and Foreign Commerce reported H.R. 6949, a bill which would amend section 4(e) of the Natural Gas Act, to authorize a gas distributing company to complain about a rate schedule filed by a natural gas company and to give the Federal Power Commission authority to suspend changes in rate schedules covering sales for resale for industrial use only.

Mr. Chairman, this is an amendment to the Natural Gas Act that every Member of this House can support. There is no controversy over this provision. It is an amendment to an act that it is thought desirable to bring in conformity the rate regulation and control by the Federal Power Commission of industrial sales for resale as with those of household and commercial sales.

When the Natural Gas Act of 1938 was passed it contained a provision authorizing the Federal Power Commission to postpone the effective date of rate increases while it held hearings to determine their lawfulness. If, at the end of the 5 months suspension period, the proceeding has not been concluded, the act further provided that with the natural gas company filing a bond, it could go ahead and collect the rate under bond until such time as the Federal Power Commission determined the rate that should be approved. If the Federal Power Commission determined that the rate for household, domestic uses, and commercial uses, was too high, a refund of the amounts collected would be made to the customers.

Let me say that at that time the natural gas industry had not developed extensively in this country and no one thought about the problem's developing insofar as industrial sales for resale by the natural gas company were concerned; therefore, the act in section 4(e) excluded this type of sale to be collected under a bond and refund if and when the Federal Power Commission decided the rate was too high. So consequently during these years, and when conditions have developed where substantial industrial sales at certain times of the year were made, there were no provisions for those sales to be collected under bond and for repayment if they were found to be too high. Consequently, if and when the Commission after perhaps several months and maybe a year or two years, decided that the rate was too high and reduced it to whatever level the Commission determined to be in the public interest, there was no provision for the company then to refund to the users of natural gas for that purpose.

The purpose of this legislation is to bring into conformity the treatment of sales for resale for industrial use the same as sales for resale for household, domestic, and commercial uses. That is all it does.

The committee has considered this legislation and reported it unanimously. There is no issue about it. It has only one purpose. It is very clear and precise as to what it would do, and what is needed is very understandable.

It was in the overall natural gas bill that was reported by the committee in 1956, passed by the Congress, and vetoed by the President. This was one of the provisions of that bill. It was included without any controversy or any question at that time.

I might say that the companies themselves have recognized there was a problem. So on their own, and particularly in the Kansas City area which seems to be more pronounced than any other area in the United States so far as we are able to find out, they recognized there was an inequity and the companies, as I say, on their own have been willing to enter into voluntary agreements, and there are instances in which they have entered into voluntary agreements, and have agreed to refunds in a number of instances. So this is one of the things we feel the Congress should rightfully provide in order to have what we think would be better regulatory procedures.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I am glad to yield to the gentleman from West Virginia.

Mr. BAILEY. During the consideration of the last natural gas act that was passed, there was a bit of controversy over bulk sales of surplus gas. For instance, in my State of West Virginia, we have two large gas companies that buy gas from, let us say, the Texas Gas Transmission Co. That is Southwest gas coming into West Virginia. We have one bulk plant in the southern part of my district, a 17,000-horsepower plant that handles 335 million cubic feet of gas coming in from the Southwest, and we have difficulty there. I am speaking now for the coal industry particularly, and as I say we have had difficulty there with respect to those two companies that purchase from the transmission company the gas to guarantee that they can take care of their customers during the year. There is nobody, not even the Federal Power Commission that can regulate the weatherman.

Mr. HARRIS. Commerce, I would say, has jurisdiction over the weather.

Mr. BAILEY. Well, yes, at least they try to operate it. There is no way that they can judge the amount of gas they have to buy to take care of their own customers. Quite often they have surplus gas and they have been disposing of that surplus gas in bulk sales to industrial customers along with transmission lines from the Southwest United States up to the State of West Virginia to take care of industrial plants that previously had been fueled with West Virginia coal or Tennessee coal or Kentucky coal or wherever it may have come from. Just what does this legislation do? Does it in any way affect that situation?

Mr. HARRIS. Not at all.

Mr. BAILEY. I wish the gentleman from Arkansas would explain.

Mr. HARRIS. As I just explained, I will say to the gentleman from West Virginia this is applicable only to industrial sales for resale. Let me explain. It means that the natural gas company, which is the pipeline company, will contract for the gas and transport it into a given area for sale to a distributing company. A certain amount of that gas is resold by the distributing company to household users. A certain amount of it goes to commercial users like retail establishments and pressing establishments and for purposes of that kind, for various types of commercial users. Then certain of these users are small industries within the area and in some rare exceptions they are rather large industries in the area where the fuel comes in in this way and the utility in the area sells the gas to this industry.

Mr. BAILEY. That is exactly what has happened in my State of West Virginia.

Mr. HARRIS. No, no, it is not. It is not, I will say to the gentleman because what the gentleman is talking about is not a resale situation. The gentleman is talking about direct sale from the pipeline company which is not regulated by the Federal Power Commission. The gentleman is talking about off-peak sales referred to by some as dumping gas. Now, that is not involved here at all. This has only to do with natural gas sales for resale.

Mr. BAILEY. The gentleman will understand why I do not want the Federal Power Commission to have control over that situation. I understand, however, the whole situation will be under consideration again in connection with a future bill.

Mr. HARRIS. Yes, I agree with the gentleman. It is long overdue, and one

of these days the country is going to wake up to the present dilemma in the natural gas industry and it will be controlled. The Federal Power Commission will be given the authority it ought to have, and the American people will be served one of these days.

Mr. BAILEY. I want to thank the gentleman. I am sure he understands why I am concerned about this matter.

Mr. HARRIS. I understand the gentleman's concern, and I might say to him that this question of off-peak sales, sometimes referred to as dumping, during certain seasons of the year is a much larger problem that it seems. By the very nature of the natural gas industry that situation is important for various reasons. Some storage of natural gas has been experienced in certain parts of the country. The gentleman has had some up in his area, and there is some around in the eastern and western and northern part. That has helped out. There has been greater efficiency experienced in the regular progressive development. The natural gas industry itself has taken care of the situation largely, and we do not have so much of a problem with off-peak sales as we did at one time.

Mr. BAILEY. Again I want to thank the gentleman.

Mr. HARRIS. In addition to the primary purpose of the bill; namely, the correction of this inequity as to sales for resale for industrial use and those for domestic use, the bill also would amend the first sentence of subsection (e) of section 4 of the Natural Gas Act to include among those who may file complaints with the Federal Power Commission concerning proposed rate increases, a gas distributing company. In practice, the Commission has acted on its own motion, to enter into a hearing as to the lawfulness of a rate where a distributing company has filed a complaint, although the wording of the present statute directs such hearing only upon complaint by "any State, municipality, or State commission, or upon its own initiative without complaint." The effect of this amendment is to write into the statute this practice. There is no objection to this proposal.

Mr. Chairman, this, we think, is desirable legislation. It is needed and it should be approved just as the committee has reported it. I urge the approval of the legislation.

Mr. SPRINGER. Mr. Chairman, when we had hearings on this bill there were no people who appeared objecting to the bill; there were no people appearing who wanted the bill amended. We did have a considerable number of witnesses for the bill, and it is my purpose here in these few minutes to explain why this bill is in the public interest. Because of a proviso in existing law which would be repealed by the enactment of this legislation, the Commission has no power to suspend rate increases for resale for industrial use, which may go into effect automatically after 30 days' statutory notice, nor has it the power to order refunds if later it concludes the proposed increased rates are unlawful and not in the public interest.

The repeal of the proviso, here proposed, would place all proposed rate changes covering sales of natural gas for resale in the same position. All would now be the same, applicable under the law. In those instances where the higher rates for resale for industrial use go into effect, the burden of the increase, pending ultimate Commission decision, must be absorbed by the distributing company or passed on to its domestic consumers. The bill will eliminate these inequities.

It should be clear that this legislation applies only to sales for resale for industrial use; it does not apply to direct sales by pipelines for industrial use.

This bill is in the public interest and it is for that purpose that we are bringing the bill here at this time.

Mr. ELLSWORTH. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield.

Mr. ELLSWORTH. Mr. Chairman, representing as I do, the Kansas City industrial area and the Kaw Valley industrial area in eastern Kansas, and the Missouri area most vitally affected by this legislation, and without going into any of the technical details which have been so well and thoroughly explained by the chairman of the committee and the gentleman from Illinois, I would like to say that we are most grateful to the distinguished and able chairman of the committee, the gentleman from Arkansas [Mr. HARRIS], as well as to the leadership on the other side of the aisle for bringing this bill out to straighten out this unsatisfactory situation that has existed in the natural gas market.

As the chairman pointed out, the effect of this bill was first achieved in the natural gas bill that was passed several years ago. The overall bill was vetoed, although this part of it was not in controversy at that time, and never had been in controversy.

For several years the representatives of industrial users who are affected by this provision of the Gas Act have been coming to Congress testifying and asking for this relief. I was privileged to appear with them this year on their behalf and on behalf of the industrial users, as well as on behalf of the hundreds of thousands of working men and women who are employed in these industries in our area. This is a wonderful bill for our area, as well as for other areas of the country. It will contribute materially to job security in our area, and I want to express our tremendous appreciation to all members of the committee and to the very able and distinguished chairman of the committee, the gentleman from Arkansas.

Mr. SPRINGER. May I say to the gentleman we valued the advice and counsel which he gave to us in appearing for this bill. I think he has rendered to his area a very distinguished service.

Mr. HARRIS. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. BREEDING].

Mr. BREEDING. Mr. Chairman, I take this opportunity to join my colleagues in support of this legislation and wish to compliment the leadership on both sides of the aisle for bringing this bill out to help correct a deficiency that has existed for some time. I am heartily in support of this legislation. It will benefit the people of my area, the State of Kansas, and many sections of the United States.

The CHAIRMAN. If there are no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of subsection (e) of section 4 of the Natural Gas Act, as amended (15 U.S.C. 717c(e)), is amended by changing the words "or State commission" to read "State commission, or gas distributing company".

(b) Such subsection (e) is further amended by striking out ": *Provided,* That the Commission shall not have authority to suspend the rate, charge, classification, or service for the sale of natural gas for resale for industrial use only".

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BASS of Tennessee, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6949) to amend section 4(e) of the Natural Gas Act, to authorize a gas distributing company to complain about a rate schedule filed by a natural gas company and to give the Federal Power Commission authority to suspend changes in rate schedules covering sales for resale for industrial use only, pursuant to House Resolution 607, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on passage of the bill.

The bill was passed.

Mr. HARRIS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1595) to amend the Natural Gas Act to give the Federal Power Commission authority to suspend changes in rate schedules covering sales for resale for industrial use only.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (e) of section 4 of the Natural Gas Act (15 U.S.C. 717c(e)) is amended by striking out: "*Provided,* That the Commission shall not have authority to suspend the rate, charge, classification, or service for the sale of natural gas for resale for industrial use only;".

Mr. HARRIS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARRIS: Strike out all after the enacting clause of S. 1595 and insert the provisions of H.R. 6949 as passed.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 6949) was laid on the table.

ALL-CHANNEL TELEVISION RECEIVERS

Mr. HARRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8031) to amend the Communications Act of 1934 in order to give the Federal Communications Commission certain regulatory authority over television receiving apparatus.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8031, with Mr. BASS of Tennessee in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. HARRIS. Mr. Chairman, I yield myself 20 minutes.

CALL OF THE HOUSE

Mr. YOUNGER. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Thirty-five Members are present, not a quorum.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 79]

Addonizio	Grant	Murray
Alexander	Gray	Norrell
Andrews	Halleck	O'Konski
Ashley	Halpern	Patman
Avery	Hansen	Pfost
Ayres	Hardy	Powell
Baring	Harrison, Va.	Rains
Barrett	Healey	Riehlman
Blitch	Hébert	Rivers, S.C.
Boland	Hechler	Roberts, Ala.
Boykin	Hoffman, Mich.	Rostenkowski
Brademas	Horan	Santangelo
Brooks, Tex.	Huddleston	Saund
Broyhill	Jones, Ala.	Scott
Cahill	Kearns	Scranton
Carey	Kee	Selden
Casey	Kilburn	Shelley
Chelf	Kilgore	Shriver
Clark	Kitchin	Slack
Cooley	Kornegay	Smith, Calif.
Daddario	Loser	Smith, Miss.
Davis, James C.	McMillan	Spence
	McVey	Staggers
Dooley	Magnuson	Steed
Dowdy	Mason	Stubblefield
Durno	Matthews	Teague, Calif.
Elliott	Merrow	Thompson, Tex.
Fascell	Miller, George P.	Tollefson
Feighan	Miller, N.Y.	Weaver
Flood	Milliken	Whitten
Fogarty	Montoya	Wickersham
Frelinghuysen	Moulder	Willis
Gavin		Yates

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BASS of Tennessee, Chairman of the Committee on the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 8031, and finding itself without a quorum, he had directed the roll to be called, when 337 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. HARRIS. Mr. Chairman, the legislation which the Committee on Interstate and Foreign Commerce is bringing before the House today is less than two pages long. The brevity of the bill is very deceptive, however, since it may induce the Members of the House to believe that the bill is a very simple one.

The bill's purpose is simple enough all right. It would authorize the Federal Communications Commission to require that all television receivers shipped in interstate commerce or imported into the United States be equipped at the time of manufacture to receive all television channels—that is 70 UHF channels and 12 VHF channels. Section 2 of the bill would prohibit shipment or importation of receivers unless they comply with the Commission's rules prescribed pursuant to this new authority.

While the bill's purpose is simple and easily understandable, the legislation's background is very complex and its implications for the future of television in the United States are highly important.

I would like to take this time to explain in some detail the background and the importance of the bill. Before doing so, however, it will be necessary for me to explain the meaning of some technical terms which are absolutely necessary to an understanding of this legislation.

Your normal television set in your home will receive VHF television signals, that means very high-frequency television signals. The channels range from channels 2 to 13, inclusive. There are a few receiving sets in the United States that will receive UHF as well as VHF signals. UHF means ultrahigh frequency. Those channels range from 14 through 82, inclusive.

Over the years efforts have been made to utilize this great resource—the radio spectrum—but due to the fact that most of the receiving sets that you have in your homes receive VHF only, most of these 70 television channels throughout the Nation are going to waste. They are not now being utilized. Now, the reason why practically no one will apply for a license to operate a UHF station is because the receiving sets in the homes of the people will not receive it. And, anyone who tries to operate a radio station or a broadcasting station, when he knows that there is practically no one in that community to receive them, he should have his head examined.

The manufacturing industry over the years has been making VHF receiving sets and very few sets that receive UHF signals. Because of that we have a vast part of the spectrum that has been assigned for commercial use going to waste. I think some of you have heard me say on the floor of this House before that the spectrum is one of the greatest of our natural resources in this country. And, I think many of you have heard me say that the UHF portion of the spectrum, which belongs to the American people, is not being utilized and is going to waste.

Now, we have seen our oil resources depleted and that valuable resource going down the drain. We recognize, from experience in the past, that our forestry resources have been depleted and destroyed by wasteful practices. We have experienced that waste of our many resources. Here we have 70 channels assigned throughout the United States that are not being utilized, and what we are doing here today is to try to utilize this valuable resource.

The Federal Communications Commission has tried to do something about this for a period of years. Some few years ago the Commission decided upon an experiment, and by rulemaking sought to bring about what is referred to as "deintermixture." Now, keep that term in mind. "Deintermixture" means that you take all of the UHF stations out of Memphis, as an example, and move them to Little Rock, and you would take all of the VHF stations out of Little Rock and move them to Memphis.

They would make one of them an all-UHF—ultra high frequency—and the other all-VHF.

Mr. Chairman, the purpose of this deintermixture policy of the Commission was to try to bring about a better utilization of this part of the spectrum. Well, there is where the controversy started. You can imagine how Springfield, Ill., feels about having the only VHF channel taken from Springfield, Ill., and having it moved over to St. Louis, Mo., which already has three VHF stations operating in that city. They took the UHF that was assigned to St. Louis and moved it elsewhere. This is an actual experience. As a result of that, St. Louis, Mo., now has four VHF channels, and Springfield, Ill., does not have any VHF channel. That is one of the situations which is in controversy. The matter went to the Supreme Court of the United States and the Court acted on it and sent it back down to the circuit court of appeals.

That court has given the Commission a mandate to hear the matter de novo.

Mr. Chairman, to go one step further: Last year, under its rulemaking procedures, the Federal Communications Commission decided it would deintermix eight of the major markets of the United States. Those markets are referred to in the hearings and the report. I would suggest that the Members of the House obtain copies of the hearings and the report and look at it. The FCC proposes to take all VHF which is considered to be actually better or more desirable broadcasting, and would move the VHF channels to some other community. They were going to take UHF channels and move them into these eight markets. Hartford, Conn., is one of those which has created a real controversy because of this. Columbia, S.C., I believe, is another one. Madison, Wis., is one also. I think that out in Illinois where the gentleman from Illinois [Mr. SPRINGER] comes from, Rockford, Ill., I believe, is another. Anyway, there are eight of the major markets where the Commission proposed to impose this kind of a deintermixture policy.

Mr. Chairman, I do not know how many of the Members have received letters on this matter from those areas. However, I venture to say that those who come from those eight areas received a lot of letters, because people

came to see me about it, and they came to see other members of our committee. We took the matter up with the Commission and we tried to do something about it. I do not blame these people, because they had only one VHF station, and to take it away from them, they felt—and I think with some justification—they were being deprived of superior television broadcasting.

Mr. Chairman, we hear a great deal about broadcasting, about programing, and the kinds of programs which we receive. We heard a lot about the broadcasting industry. It is true that our committee uncovered a lot of things that were not desirable during the course of our investigations in 1958, 1959, and 1960. But I want to say to the membership of the House that the broadcasting industry is trying to do a very good job and the FCC is now doing a very good job.

People in those eight communities thought they were going to be deprived of efficient broadcasting. So they started complaining, and with some justification.

Deintermixture was the short-range approach of the Federal Communications Commission to utilize these UHF assignments. We found that the long-range approach and the better approach from the standpoint of the public would be to require manufacturers to include all-channel-receiving equipment in their television receiving sets, and that is what this bill would do. There are those who raised the question: Is this the thing for the Government to do? Do we have a Government that is going to tell our private enterprise that produces certain products used by the American people that they have got to do it in a certain way? I had some feelings about that myself at the outset. When we measured the total problem involved here and the vast resource that goes to waste, we came to the conclusion that about the only way to develop the resource and utilize it was to pass this legislation. And I believe after the transition period when manufacturers manufacture all-channel-receiving sets, we will bring about an improved broadcasting service throughout the United States.

This is not going to take place tomorrow or next month or next year. In the homes throughout the United States there are television sets valued at billions of dollars which receive VHF only. We are not going to change that immediately. We do not attempt to do that here. So let no home be disturbed for fear that their particular set is going to be obsolete tomorrow or next month or next year.

In order to bring this gradual transition about there will have to be rulemaking procedures under the Administrative Procedures Act, and they will require some time. Then there will be a certain date set for comments to be received from the public and the industry. Then there will be additional time for replies thereto. Thus, it will take considerable time, before the Commission can get to the point where it can conclude the rulemaking that will be necessary to put this legislation into effect.

So it is estimated that it will take something like 3 years before we shall be well underway with the transition to all-channel-receiving sets. And it will probably take as long as 5 or 6 or maybe 7 years for the legislation to become reasonably effective. It is estimated that the average television receiving set has a life expectancy of some 5 or 6 or 7 years. So the country is not going to have its television economy disturbed by this procedure. But it is a long-range approach, and in my judgment it is a solution for which we have been striving for a good many years.

Mr. ROGERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield.

Mr. ROGERS of Texas. As a matter of fact, Mr. Chairman, it will also do this: It will open up an entirely new field of endeavor even during that formative period of 5 years, because gadgets can be put on present, existing sets to make it possible to receive these UHF channels. Once this bill is passed, UHF channels will come into being and be used, and the sale of those gadgets to be used on present sets will expand. It will not in any manner affect the reception they are getting from the VHF stations.

Mr. HARRIS. I thank the gentleman for reminding me of that. That is correct.

Anyone who would like to have an opportunity to watch a UHF broadcasting facility from right here in Washington, D.C., where there is channel 26, a UHF educational channel, can get one of these little box converters and attach it to his present receiving set for about $20 to $25. That can be done now.

Then the question arises, and it did arise before the committee, you are going to cause the American people to pay more for the television sets they buy. That is not necessarily so. Just a few days ago—I wish I had brought it with me; I forgot it this morning and left it home—I saw a double-page advertisement in the Washington Post. One of the local retail businesses down here was advertising all-channel receiving sets at the same price that they were advertising their regular VHF receiving sets.

In my judgment, the time will come, since we have the ingenuity of our industry, when they will bring out a single tuner capable of receiving UHF and VHF. I think we have the know-how, and I am thankful for the ingenuity of our technical people. I think they can give us this type of service in the United States of America.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Iowa.

Mr. GROSS. We are passing this bill today and we will be compelling the consumers of this country, the owners and purchasers of television sets, to buy two-way receivers; is that not correct?

Mr. HARRIS. To buy a receiver that can receive both UHF and VHF, as well as Nos. 2 and 3 or Nos. 12 and 13?

Mr. GROSS. Yes. We have no assurance that these sets are not going to cost substantially more, have we?

Mr. HARRIS. I have just given the gentleman an actual experience. I was going on to state that in my judgment they would not. I can cite an experience as of today. Our industry in this country has enough ingenuity. In my judgment, they are even going to improve on that in the future.

Mr. GROSS. Does the gentleman know whether this set he speaks of, the information about which he obtained only today, was a converter applied to an out-of-date model, that is, a 1961 model television, or was it a 1962 model television built with this equipment in it?

Mr. HARRIS. It was a 1962 model with all channel tuners in it.

Mr. GROSS. And they cost no more?

Mr. HARRIS. That is what this double-page advertisement said.

Mr. GROSS. It is difficult for me to believe they would put different equipment in. Now, how about the antenna? Does it require a different antenna for ultra high frequency than for very high frequency?

Mr. HARRIS. You can get UHF reception by modifying your present VHF antenna. In other words, from an antenna on top of your house, if that is what the gentleman referred to, you can receive VHF and the same antenna, after modification, can be made to receive UHF.

Mr. GROSS. If the gentleman will yield, it can be made to do this, just as the present television set can be made to receive UHF broadcasts, but what is going to be the cost of making it do these things?

Mr. HARRIS. Not necessarily any more than it costs today to prepare your antenna for three or more VHF channels. It depends on the location.

Mr. GROSS. If the gentleman will yield, if the gentleman will permit me, that is elective today as to how many channels you want to receive on your set.

Mr. HARRIS. It will be elective.

Mr. GROSS. But this is mandatory; this is compulsory in its ultimate effect.

Mr. HARRIS. No, it is not any more mandatory from the standpoint of the antenna problem than it is today.

Mr. ROGERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Texas.

Mr. ROGERS of Texas. I think the gentleman from Iowa, of course, is disturbed about something which can be cleared up, and I think it should be cleared up. I do not think anyone ought to have any doubt in their mind that this does not force anyone to do something that they are not doing today. The services you are getting today will be available after the passage of this bill. This simply provides a new service which will be available to you, if you want to buy it.

Mr. GROSS. If the gentleman will yield so that I may respond to that.

Mr. HARRIS. Of course, I am glad to yield to the gentleman from Iowa.

Mr. GROSS. Now you are going to say that you have to buy a set equipped to receive both UHF and VHF.

Mr. ROGERS of Texas. No, you do not have to buy a set.

Mr. GROSS. So that you are not in the same position that you are in today.

Mr. ROGERS of Texas. You do not have to buy a set at all. You can keep the set you have, if you want to and you do not even have to put a gadget on it.

Mr. GROSS. What happens when the set wears out?

Mr. ROGERS of Texas. What happens when the set wears out? You can buy a set like this or you can buy one without it as long as it has not been shipped in interstate commerce. Certainly, you can buy such a set manufactured within a State.

Mr. GROSS. That is if you happen to have such a manufacturer in your own State, you can buy one in your State.

Mr. ROGERS of Texas. That is right.

Mr. GROSS. But you cannot buy a set that is manufactured in another State.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARRIS. Mr. Chairman, I yield myself 2 additional minutes and now yield to the gentleman from Illinois [Mr. COLLIER], a member of the committee.

Mr. COLLIER. I thank the chairman, but I am going to take some time later.

Mr. HARRIS. Mr. Chairman, I have one other comment to make. We had full and extensive hearings on this legislation. Some of the major manufacturers of television sets came before the committee and they are supporting this legislation. So we feel that if some of the major manufacturers of the industry feel this is a good thing and is a way to improve and expand television services for the American people—if it can be done in this way instead of being done the hard way by deintermixture, as I described to you a minute ago, it would be a lot better. The committee overwhelmingly approved this bill and recommends that it be approved in the form in which it was reported by the committee.

Mr. Chairman, I urge the adoption of this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPRINGER. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, may I say I do not know of any hearings which went into a problem more exhaustively than these hearings on the question of all-channel receivers. I think everyone in this country who wanted to be heard was heard and were given all the time that was necessary for them to make a detailed explanation of their position.

Mr. Chairman, I realize this is a somewhat complicated matter when I stand here to try to explain it to you and explain it in simple terms which you can understand. But I think, first of all, it is necessary to describe the difference between a UHF broadcast and a VHF broadcast in terms of how far away the broadcast may be received and the economics involved in it and then the action as a result of this by the Federal Communications Commission.

Consider a UHF broadcasting facility in the center of a circle to the limits of which the signals can be sent.

The diameter of this area would be somewhere in the neighborhood of 40 miles, about 20 miles from the center of the circle. That, as I say, would represent the UHF broadcast area. If we take the VHF the diameter of the area would be about twice that, 150 to 180 miles, or a radius of 75 to 90 miles. That shows the greater area of reception distance of the VHF broadcast as compared with the UHF. The result has been, so the UHF people have said, and so the Federal Communications Commission has told us, that the mechanics of the situation are very much in favor of the VHF station as compared with the UHF station. With the result that many UHF stations, so they say, have not been able to compete because their income does not enable them to maintain their service in competition with the longer range VHF stations.

For instance, in my own area there are some 750,000 to 1 million people who may receive from the V stations.

From any of the U stations there probably would not be over 200,000 people who could receive the broadcasts. So that gives you the picture, when you get into the advertising field, of the difference between the U's and the V's. That was the problem, said these UHF people when they came down to the Capitol 2 years ago and appeared before our committee and the Senate Interstate and Foreign Commerce Committee. They said they wanted all-channel receivers so that any receiver on the market could receive the U in addition to the V. We did not do anything about it; neither did the Senate. This year they came back and spoke of the importance of these 1,554 UHF assignments, of which only 7 percent are in use. If we are going to develop that approximately 1,300 UHF assignments which have not been taken advantage of, we will have to have some remedy for it. So what we are going to do in order to keep the U's in here, we are going to take the V's out of the areas where there are several U's and we are going to put them all over in another area. This will leave all UHF's in this area and all V's in the other. The U's will be taken away from certain areas and not be in operation; you will have the U areas and you will not have them going into the market of the V areas.

That was not acceptable to some of us. Why? In my own area, for instance, we have both V's and U's, but the V with its tremendous radius is able to serve the rural areas.

So then the suggestion was made that all new receivers should be so constructed as to receive VHF and UHF. Then we could conquer this problem because then the people could turn to the U's the same as to the V's as they wished.

Over a period of years the V sets have been more popular than the U sets. So the thing to do is to sell the UHF and the VHF together. They can both be built into the same receiver. That is simply what the problem was.

Finally, I think we got a very substantial number, if not all, of the VHF industries and the UHF industries to agree this would at least be a good starting place. This would help to conquer the problem and solve some of the problems which the Federal Communications Commission had come to our committee with and said something has to be done about it. "If you will give us all-channel receivers," they said, "by putting the UHF and VHF together, we will put deintermixture on the shelf for 5, 6, or 7 years"—I am using the exact words which they used in a letter to us—"we will merely put this thing off from further consideration of the deintermixture problem, if you will give us the all-channel receiver legislation." That is the reason that the television industry, I would say almost unanimously today, both in the UHF and the VHF field, have said, "Let us have an all-channel receiver. Maybe this will solve the problem." It at least is worth working on and "if we do that then there will not be the necessity in 5, 6, or 7 years from now to have a further hearing on the deintermixture policy."

Mr. DENTON. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Indiana.

Mr. DENTON. I want to ask the gentleman about the deintermixture proposition in Evansville, Ind. I gather from the gentleman's report that that litigation will continue and there will be no motions in that deintermixture proceeding.

Mr. SPRINGER. The gentleman is a lawyer and I am going to talk to him in legal terms. Actually, what happened in your case and in the Springfield case, which involves the gentleman from Illinois [Mr. MACK] and two other cases, one in Bakersfield and one other case, those were proceedings which were already in effect and were in the process of determination. So there was not anything the Commission could do in that those were contested cases, just as if you had a contested case in court. We could not cover legislation which would remove that. This in effect does not remove the deintermixture proposition at all. It only postpones the problem until some future date.

Mr. DENTON. As I understand it, they will go right ahead with the court proceedings in channel No. 7 in Evansville, Ind.

Mr. SPRINGER. There is not anything the Commission can do about that. They had to take these four cases because they were in litigation.

Mr. DENTON. But you are putting a moratorium on everything else but three other plans.

Mr. SPRINGER. Yes.

Mr. DENTON. The effect of the argument is that in a part of the district I represent we will be left without television.

Mr. SPRINGER. I regret that as much as he does, but looking at it from the legal viewpoint and from what I would say pure justice, that is all I see the Commission could do.

Mr. DENTON. And for 4 or 5 years they have to wait for the television.

Mr. SPRINGER. Yes. I understand the gentleman's position perfectly.

Just to wind this up on the question of how this should be done, first I want to talk about cost. You may hear people who will say this is going to increase the cost. We have manufacturers who came before our committee and said it would; however, most of those, as I remember, were those who were opposed to the legislation in the first place. There is going to be tremendous inertia by manufacturers to want to make that change. But I think all of the concrete evidence we have at the present time indicates that there will not be any increase in the cost of these receivers, even though they receive both VHF and UHF. The advertisement to which the distinguished chairman referred a minute ago that they were now on the market at the same price is not new. When the Federal Communications Commission came before our committee, the chairman of the Commission cited us an instance within 2 weeks from the time he came to the stand to point out there was a store here in Washington offering to sell all channel receivers at the same price they would sell VHF or UHF alone. That is the best indication as to whether this will increase the cost of all-channel receivers. There should not be any reason why it should be more, in view of the history we have had since the first of the year.

I want to speak now about another question which is usually called public interest. Is this in the public interest? I think the chairman made a point a moment ago when he said this is a question of whether you are going to say to the manufacturer, "You now have to produce an all-channel receiver if you are going to ship it in interstate commerce."

What we have done is to wrestle with the problem of saying to the manufacturer that you have to produce an all-channel receiver with the overall question which is wrapped up in VHF and UHF. I think my colleagues will agree that there is a serious problem here when you have some 1,300 UHF bands at the present time that are not being used. Now, if we are to ultimately make those 1,200 or 1,300 unused stations usable, the only solution that we could see that would help this proposition was to get an all-channel receiver.

Now, that is what I call the policy that we arrived at as the result of all of the evidence that was brought before us. May I say that I thought the committee did an excellent job. There was tremendous interest in it. I do not know of a time when more members were present every day listening to what was going on and trying to offer constructive suggestions. I know I have wrestled with this problem and I have come to the conclusion that this bill is in the public interest, and this is the only way that I can conceive at the present time whereby we can solve this problem and this difficulty between VHF and UHF reception.

Mr. Chairman, I now yield 5 minutes to the gentleman from Illinois [Mr. COLLIER].

Mr COLLIER. Mr. Chairman, I rise in deep opposition to this legislation, notwithstanding the fact that I, the FCC, the television stations, the networks, the educators, the farm groups, and even certain manufacturers of television sets, appear to be in favor of it. I am opposed to it for a very simple, basic reason. I do not think the Congress of the United States has any right to enact legislation which in sum and substance dictates not only the type of equipment any manufacturer must manufacture, and in the same breath dictating the type of equipment that a consumer must buy. And, I think we will be telling thousands of American people that they must buy a certain type of television set or a certain facility whether they need it or whether they want it or not; and I do not think this is good legislation from that standpoint. I understand the gravity of the problem of deintermixture, which I have been through with the chairman of the committee and other of my colleagues. But I do not care how you sugar coat this type of a bill, in the final analysis I do not think it is proper legislation in principle.

Do you know that presently you must have a special type of aerial in order to receive color television? How do I know, if we set a precedent in this legislation, that we might not be back enacting legislation at some future time saying that the aerial manufacturers have to manufacture aerials that receive both black and white and color television? The principle is the same.

Now, I am just not prepared to believe that this is not going to increase the cost of television sets, the advertisement of this particular retail store in Sunday's newspaper notwithstanding, because before our committee during the hearings on this bill the manufacturers testified, without exception—and I am pleased to be corrected if I am wrong—that it would in fact increase the production cost of television sets. The figures that were given to us ranged anywhere from $20 to $30 per set. As long as people who need a certain type of facility can obtain it, I do not see why those who do not need it should be required, as they would be under this legislation, to buy it. It seems to me that the first step should be to remove the 10-percent excise tax on television sets and enable some of the people to save the additional cost and pay for the facility necessary to receive UHF.

In summary, I think this is basically bad legislation in principle, and I am opposed to it.

Mr. NYGAARD. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I am happy to yield to the gentleman from North Dakota.

Mr. NYGAARD. Did the gentleman learn from the testimony that was given in the committee how many areas would be making use of the UHF, and how many areas possibly could not make use of the UHF broadcasts?

Mr. COLLIER. That information was given to our committee. I do not recall at the moment just how many there were. But it seems to me that with the proper receiving facility; that is, a television set that would receive signals from UHF, it would cover about 60 percent of the present area that cannot be reached where they do not have the equipment capable of receiving UHF.

Mr. NYGAARD. If the gentleman will yield further, as I understand it, the only necessity for this is in highly concentrated population areas where they need additional broadcasting bands to be placed into operation. I think I can frankly say that through the States of North Dakota, Montana, South Dakota, through a great deal of Iowa, through Kansas, Nebraska, Oklahoma, and a great portion of Texas, those people would be caused to pay additional money for something that they would never under any condition have the opportunity to make use of.

Mr. COLLIER. I thank the gentleman.

Mr. Chairman, let me just make this observation: If the television manufacturers are so amenable to this legislation, it just seems to me that we do not need the legislation. If they wanted to manufacture these sets, they would be in a position to do so without legislative compulsion. Therefore, if this sentiment does exist among the television manufacturers, then we need not this legislation which is pending before us today.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut [Mr. SIBAL].

Mr. SIBAL. Mr. Chairman, I rise in support of H.R. 8031. The passage of this legislation will assure the continuation of VHF television service to hundreds of thousands of viewers in the State of Connecticut. Many of these viewers would be deprived of all television service if the VHF service at Hartford were eliminated by deintermixture proceedings. Because of the intervening hills and other technical problems peculiar to this area UHF service cannot be a substitute for many years to come. The situation in Hartford is not unique. It is duplicated in many areas throughout the country.

Mr. Chairman, during the recess last fall I visited several European countries in order to study firsthand the experience they have had with UHF, which up to date has been used more extensively in Europe than it has here. I returned with what I think is a fairly clear view of the technical difficulties involved in switching over from VHF to UHF. Some of the more elemental problems concern the transmission of the signal. More transmitters and more powerful ones are needed for UHF than for VHF in order to provide comparable service.

Mr. Chairman, Europeans are confident of their UHF program, but they recognize and state very frankly that it is more costly. Despite this confidence they have in their UHF programing, I found a very general feeling that VHF would always be the No. 1 system in Europe.

Mr. Chairman, the ratio of power needed for UHF in larger towns is greater than the ratio of power needed in smaller towns. The transmitters have to be located with great precision in order to avoid "ghosts," or duplicate images on receiving screens.

These "ghosts" are caused by signals bouncing from intervening structures.

Mr. Chairman, where UHF would most clearly meet the VHF standard would depend primarily on the terrain. This is the governing consideration. The cost of an UHF network would be very much in excess of that of a VHF network covering the same area. I could get no precise figures from the European experts, but all agree that the cost differential would be substantial, and one man told me he thought it would be approximately double that of VHF.

The problems of UHF transmission derive from the greater sensitivity of the system. Delicate directional transmissions are required and good roof antennas are needed for proper reception. Each system must be carefully tailored to the geography of the particular area. Nevertheless and notwithstanding all this, it seems to me obvious that we have a responsibility to see to it that this important part of the spectrum does not lie dormant.

I have no doubt that UHF can be made workable and satisfactory. In some ways it is superior to VHF. I refer to the fact that it seems to be less affected by interference from the ionosphere and certain manmade static. But this development must be carefully prepared and we must make sure that existing service retains its quality.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. SIBAL. I yield to the gentleman.

Mr. MONAGAN. The gentleman has referred to the situation in Connecticut. Of course, all of us have great interest in that. Do I understand that this legislation will, in effect, take care of the problem of channel 3 that we have been discussing?

Mr. SIBAL. If the gentleman will refer to the report he will find, I believe in appendix B, a letter which the committee received from the FCC indicating that they were anxious to cooperate with us and that they would agree to a moratorium on deintermixture procedures in the event this legislation pass.

Mr. MONAGAN. So that there may be a requirement as to sets coming into the area, but there will not be the compulsion on moving channel 3 that we feared existed prior to this time?

Mr. SIBAL. It is my opinion that the future of channel 3 is definitely tied to this legislation. If this legislation passes I have every reason to feel that we will continue to have channel 3 in Hartford. If it does not, we have a problem.

Mr. MONAGAN. I thank the gentleman and the members of the committee for their consideration of this problem.

Mr. SIBAL. The gentleman from Illinois [Mr. COLLIER] referred to the cost. Actually, it is my recollection that the evidence in the hearings indicated that if we pass this legislation and dual receiving apparatus is developed on a mass production basis the increase in cost will be minimal, if any, after they get to a mass production basis.

I agree with the Chairman when he indicates that it is his conviction that the cost of purchasing the new type set is not a major factor. It is quite possible that the additional cost will be nonexistent very shortly. I recognize that this is not an easy question. On the surface it might appear that this is another example of Government interference with private business. But I think when we consider the fact that we have the responsibility for the airways which do not belong to any private company or industry but belong to the American people, only the Congress of the United States can see to it that the airways are used properly and efficiently for the public good, and this overrides whatever question we may have concerning the passage of this legislation.

Mr. Chairman, I urge the adoption of this bill.

Mr. NYGAARD. Mr. Chairman, will the gentleman yield?

Mr. SIBAL. I yield to the gentleman.

Mr. NYGAARD. The gentleman stated that the airways belong to the general public, and with that I certainly agree. On the other hand one-half of the United States is going to have to spend additional money for their TV sets. The airways can be aided without this legislation so I do not see any justification for passing this bill.

Mr. SIBAL. Mr. Chairman, I would respond to the gentleman in this way. I understand the problem the gentleman has in his district. I would point out that most of the educational TV systems are using UHF and it is my belief that the day is coming when we will develop educational TV to the point where the people in the gentleman's area will need UHF receivers.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. ROGERS of Texas. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, I join the proponents of H.R. 8031, which authorizes the Federal Communications Commission to require that all television receivers shipped in interstate commerce or imported into the United States be equipped at the time of manufacture to receive all television channels; that is, the 70 channels in the UHF portion of the spectrum, as well as the 12 in the VHF portion. I note in passing that both the General Counsel of the Federal Communications Commission and former Deputy Attorney General and now Justice Byron R. White have submitted detailed opinions which are incorporated in the committee's report on this measure, to the effect that it is a constitutional exercise of congressional powers under the commerce clause of the Constitution.

I take it that there is widespread unanimity in the nature of the problem to which this bill is addressed—the need for the utilization of the ultrahigh frequency portion of the spectrum, in order to provide a truly nationwide and competitive system of television broadcasting, with adequate outlets serving communities' needs in all parts of the country.

In the recent hearings on this bill, the Committee on Interstate and Foreign Commerce has again heard authoritative testimony about the critical shortcomings in the service provided by the current pattern of allocations and assignments in the Nation's television markets. The distinguished and vigorous Chairman of the Federal Communications Commission, Newton D. Minow, has testified:

> The failure of our television system stems from the failure of UHF broadcasting to develop as had been expected. Moreover, it is clear that unless it is to be the decision of the country to settle for the present limited systems, we have no place to go except into the development of the 70 UHF channels which are practically lying fallow.

Here is a major resource that still remains largely untapped.

I do not wish to dwell on the experience to date, which has not been a happy one. Yet, we must face the fact that 1,600 out of over 2,200 television channel assignments made by the FCC remain unused. Significantly, over 1,400 of these are in the UHF band. Indeed, only about 100 out of a total of 1,500 UHF channel assignments—or about 7 percent—are currently in use, and 18 of these are educational stations. Meanwhile, some 100 UHF licensees in all have failed and gone off the air. In 83 areas where one or more UHF stations once operated, their signals are silent. The staggering losses incurred in both money and effort stand as an object lesson to those who would be tempted to risk their capital in such a venture.

However, the task at hand is no longer to catalog the symptoms or to diagnose the illness that afflicts the industry; rather the problem is to prescribe an effective and workable remedy while there is yet time.

UHF stations are at a crippling competitive disadvantage with competing VHF stations and the scarcity of television sets equipped to receive UHF telecasts is cited as one of the major factors in this disparity. It is estimated that of the some 55 million television sets now in use, only 9 million are equipped to receive UHF as well as VHF broadcasts. It should be emphasized in this connection, that only 6 percent of the new sets produced in 1961 were equipped for UHF reception as compared with 20 percent of the new receivers manufactured in the year 1953.

The theory of the legislation under consideration today is that getting UHF sets into the hands of televiewers will ultimately turn the tide, after which, according to the Chairman of the FCC, "time would start to run" in favor of UHF broadcasting. Here then is at least a concrete step which has the endorsement of the FCC, the broadcasting industry including the television networks, and the Committee on Interstate and Foreign Commerce, whose distinguished chairman, the gentleman from Arkansas, Representative OREN HARRIS, has submitted a favorable report. Moreover, the measure has received the endorsement of the President in his recent message to the Congress on protecting consumer interest.

I have, along with the other members of the House Antitrust Subcommittee, of which I am chairman, long been on record as an advocate of legislation to promote all-channel receiving sets.

Some 5 years ago, our Antitrust Subcommittee had this to say in its report issued after a full-dress inquiry into monopoly problems in the television broadcasting industry:

The committee believes that receiving set incompatibility lies at the heart of the UHF problem. Faced from the beginning with a VHF circulation lead of over 17 million sets, UHF has never caught up but on the contrary has fallen further behind. The solution of the critical problem of receiver set incompatability requires legislative action.

This is likewise the current view of the Chairman of the FCC who states that "all-channel receiver legislation is the basic and essential key" to the television allocation problem. Chairman Minow has further stated:

For with this legislation, time would begin to run in favor of UHF development. The UHF operator [both commercial and *educational*] could look forward to UHF receiver saturation not only in his home city but in the surrounding rural area as well, and could expect improvement in the quality of the UHF portion of the receivers in the hands of the public. With increased use of UHF, and increased incentive for both equipment manufacturers and station operators to exploit its maximum potential, there is reason to believe that several of the problems which presently restrict the coverage of UHF stations would be overcome.

In all candor, I must state that in less optimistic moments, I have felt that the all-channel bill standing by itself would only tend to lessen the heavy odds against UHF broadcasting.

While I hope that the high expectations of the Commission may be fulfilled, I am mindful of the further time lag that must inevitably occur, before this measure, if it is enacted, will be capable of exerting any appreciable or decisive effect. Chairman Minow estimates that "if this proposal is enacted, there will be available, within 4 to 6 years, a large enough percentage of all-channel sets in use to mark a beginning of the end" of the imbalance between VHF and UHF—Harris committee hearings, page 124.

In the critical years ahead there is no reason for complacency. I would caution and urge the FCC to leave no stone unturned in an unceasing effort to stimulate the demand for UHF by other means and to promote its technology.

Finally, I note that while the FCC has informed the Committee on Interstate and Foreign Commerce that if this legislation is enacted, the Commission will not proceed with the eight deintermixture proceedings initiated on July 27, 1961, pending an assessment over a "sufficient period of time of the effectiveness of the measure in achieving the Commission's overall allocations goals"—Harris committee report, page 19.

I note also that in its communication to the committee, the FCC has set forth at length cogent reasons why any deintermixture moratorium shall not be applicable to the pending deintermixture proceedings in Springfield, Ill., Peoria, Ill., Bakersfield, Calif., and Evansville, Ind. The Commission's expert views on this score warrant respect.

In 1961, FCC Chairman Minow submitted a progress report to our Antitrust Subcommittee regarding the record of the FCC in acting upon the subcommittee's prior recommendations. In the course of his testimony, the FCC Chairman said:

As it has become clearly evident tht UHF could not compete effectively in areas where there were multiple VHF services, the Commission has devoted a considerable portion of its time and efforts to solution of the allocations problem. One by one, we have been forced to narrow the alternative approaches. It is impossible, for example, to have a competitive television system adequate for the Nation's growing needs in the commercial and educational fields within the confines of 12 VHF channels.

The broad vista of UHF is still open. I urge passage of H.R. 8031 as a means of proceeding in that direction.

Mr. ROGERS of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina [Mr. HEMPHILL].

Mr. HEMPHILL. Mr. Chairman, I rise in support of this legislation, which I think solves a good many problems for this industry. One of the problems I think we are concerned with is the fact that when there is competition the UHF station, which is endeavoring to render the public assistance, education, service, and entertainment, is not profitably competing in the advertising market. We seek to help with the market and at the same time improve service.

When this problem first came up it was interlocked with the problem we call deintermixture. Let me publicly thank the chairman of our committeee, the gentleman from Arkansas [Mr. HARRIS] for working out this grievous problem which affected many areas of the country and particularly the areas of the country represented by the gentleman from Alabama [Mr. ROBERTS] and myself.

Mr. ROBERTS and I had identical problems in the fact that we had VHF channels in our State capitals which we felt and feel are necessary to the education, entertainment and enlightenment of the people of our respective States. If these particular channels had been removed from those State capitals, numbers of people would have lost the TV communications which they had with the State capitals of Alabama and South Carolina. They would have been deprived of the value of their television sets and they would have been deprived of the news from their capitals. I am happy we have reached a moratorium and a solution. I salute the efforts of the gentleman from Alabama [Mr. ROBERTS] to preserve the channel at Montgomery for the people of Alabama.

My distinguished colleague from Alabama and I put in some additional views which I hope receive the attention of the committee. We had expressed the hope the moratorium would be as long as 9 years. I was happy to note that although not that long it was made 5 or 6 or 7 years, and the chairman of the committee has stated today on the floor it will be possibly more years. So I think we have a very happy situation in which we get a chance to see if we cannot solve this economic as well as communication problem by popularizing, so to speak, UHF channels by giving the people television entertainment and at the same time retaining in those areas affected by the proposed intermixture proceedings those UHF channels we found so necessary.

As we said in our additional views, today we are facing the Federal Communications Commission and saying to them, "We accept your proposition that if you get this legislation you will solve the problem in part or at least have a vehicle for solution, an avenue for exploration." But at the same time we expect the Federal Communications Commission to keep faith with us in the moratorium, in lifting the deintermixture proceedings at this time and giving this thing a chance to work out by competition between the UHF and VHF in the very best American tradition.

I heartily support this legislation.

Mr. SPRINGER. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. SCHENCK].

Mr. SCHENCK. Mr. Chairman, seldom is it my privilege or custom to speak in the well of the House on any legislative matter because I have felt from time to time that some of these things are better left unsaid. However, I would like to pay a very sincere tribute to our Committee on Interstate and Foreign Commerce. It is a very great committee. It does a fine job under the great leadership of our very distinguished chairman, the gentleman from Arkansas [Mr. HARRIS]. So it is a privilege and an honor to serve on this committee and a privilege and honor that I cherish deeply.

Our distinguished chairman and others have explained the bill very well and pointed out the importance of both VHF and UHF television reception. I regret to find myself in opposition, however, to the bill as introduced by our chairman, and, in all honesty, I feel compelled to do so because I feel H.R. 8031 as presented here and now is not in the best public interest. Not everyone in this Nation will need or will be able to use an all-channel receiver. Yet, we are hereby in this measure requiring them to purchase such a receiver. Some who testified before our committee said there would be no additional cost or that there would be very little additional cost.

Others who testified before our committee said there would be an additional cost, and the testimony from those sources I felt was very reliable, knowledgeable and well informed. It was estimated that an all-channel receiver would cost approximately $25 more at the consumer level than would the single VHF receiver. It was also stated that there are some 6 million television sets manufactured each year. So if we are going to increase the price of these sets through this legislation by $25 each, we will be asking the public generally to pay an additional $150 million in 1 year for the purchase of these all-channel TV receivers. People who need them and want them will buy them—and they ought to have complete freedom of choice and the opportunity for self-determination as guaranteed in the Constitution of the United States.

If we here in the House of Representatives or in this Congress can tell people what they must buy in the way of a

television receiver, then, of course, it follows that we can also tell every man that he must wear a three-button suit; or we can tell every purchaser of an electric refrigerator that he must have certain types of shelf arrangements in a refrigerator. Of course, we have made certain requirements in electric refrigerators for door latches to prevent the suffocation of children that have become law. We have made certain requirements in the purchase and sale of various kinds of other equipment and products sold in interstate commerce. But, these requirements have always been based upon the matter and the question of public safety and welfare and, certainly, not on the basis that "you must have them whether you need it or not." Yet, that is what we are attempting to do in this legislation.

UHF channels are very important in many areas of our Nation and they perform a very valuable public service especially in the field of educational television and in these instances they are in the public interest. But not everyone will need to have a UHF receiver available or have a UHF transmitter available. So there is not any justification for us here in the Congress to make a firm requirement that there can be only all-channel receivers sold in interstate commerce.

We have had some bills before our committee at the same time as H R. 8031 and which in addition to requiring all-channel receivers also included provisions which prohibited the FCC from proceeding with the intermixture referred to so well by our chairman and explained by him; and I am sure everyone understands it.

This is an important matter, and in my own judgement I personally feel that we should actually write into the law specific provisions prohibiting the Federal Communications Commission from taking away from any community a channel which is allocated to that community.

Certainly, I do not mean that we should say "Here is Mr. X who has had this TV channel or this TV license, and he must be protected." I do not mean that at all; I mean that that community should be protected by having certain facilities already assigned there not subject to be taken away at the will of the Commission.

Mr. MACK. Mr. Chairman, will the gentleman yield?

Mr. SCHENCK. I yield.

Mr. MACK. I am very pleased to hear the statement of the gentleman with regard to the deintermixture and a policy which denies first-class television service to certain sections of our country.

I presume the gentleman is in favor of my bill which would prohibit discrimination in the assignment of television stations, that would expand and clarify section 307(b) of the Federal Communications Act so that it would be eminently clear that the Congress does not want the Federal Communications Commission to have authority arbitrarily to select areas of our country where they can receive only the more limited service or VHF or UHF service.

Mr. SCHENCK. Mr. Chairman, I thank the distinguished chairman for his comment. Our distinguished colleague from Illinois has long been interested in this very important phase of this problem, and has made some very real contributions to the survey of this problem.

I will say to the gentleman that it seems to me we must be extremely careful in allocating discretionary power to an agency of the Government to permit it to do what it decides to do without having first received permission and authorization from the Congress to permit such action.

In discussing this matter before our committee the Federal Communications Commission indicated it was deeply opposed to having any prohibition placed upon it and its discretionary power to decide, if it wanted to move a VHF station somewhere else, so they said in substance they felt they must have the all-channel receiver and that if this committee would report out legislation which will grant them all-channel receivers they would then declare a moratorium and reconsider the deintermixture problem now before them.

From my own personal point of view I doubt the wisdom of bargaining with any Federal agency which must come to the Congress for authority on what they should do. It seems to me, therefore, that our colleague, the distinguished gentleman from Alabama, Mr. ROBERTS, who introduced H.R. 9267 and whose additional views are set forth in this report had a very excellent bill. I would recommend to the members of this committee that they look over the report and this legislation very carefully.

You will find on page 18 under appendix B where the question about deintermixture was raised with the Commission and the Federal Communications Commission decided they would not be happy with that at all and wanted the all-channel receiver legislation only.

You will find their statement beginning on page 18 such as I have outlined in brief.

So. Mr. Chairman, I am reluctant to oppose legislation presented by our committee, because we have a very wonderful and able committee in the House of Representatives.

Yet, in all honesty, and in the public interest, I feel that the bill now before us should either be amended to include a prohibition against any action by the Federal Communications Commission on its initiative to deintermixture any area or we should disapprove the bill.

Mr. ROGERS of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. MACK].

Mr. MACK. Mr. Chairman, the gentleman from Ohio has made a statement opposing the legislation before us because it will cost the television viewers of America, or television purchasers, a few cents more or a few dollars more when they purchase new television sets. Presently, it is estimated it will cost about $25 per set, but when we require all of the manufacturers to manufacture the all-channel receivers they will mass produce. Today only about 16 percent of the television sets are produced to receive all channels. When they begin to mass produce in competitive fashion the all-channel receiver, you will find that price is substantially reduced. I am not conceding it will cost an additional amount, but I say it will be substantially reduced at that time.

First of all, there are 45 million people today viewing television who are not able to receive UHF. I maintain it is in the public interest of our people to have competitive television. They will be forced to provide better service. It is in the public interest to have the set equipped so the people can receive the UHF stations if they want to.

I think, I was one of the leaders in the fight against the deintermixture. I pointed out consistently how much better the VHF signal is than the UHF and how much more important it is to have the UHF in all areas of our country. Even with that I still maintain this bill is in the public interest and we should have all of our sets equipped to receive all UHF signals.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. MACK. I yield to the gentleman from Illinois.

Mr. COLLIER. I just wanted to know upon what you base your conclusion that eventually, through mass production, this will not increase the cost of television sets, because it is contrary to the statement made by the people in the industry.

Mr. MACK. I will be glad to tell you. You know, the old Dodge group were ready to run Henry Ford out of the country when he reduced the cost of his product. But, he reduced it, and he was the most successful manufacturer in the industry. Now, that is exactly what will happen if you require the manufacturers to manufacture all-channel sets. They will all be fighting to see who can produce these sets for market at the lowest price.

Mr. COLLIER. This prediction is your only basis for this conclusion?

Mr. MACK. Well, I would argue in favor of this bill if it cost $25 more per set. But, I am satisfied in my mind, and I think the gentleman is satisfied, that when it comes to mass production, it will be substantially reduced.

Mr. SCHENCK. Mr. Chairman, will the gentleman yield?

Mr. MACK. I yield to my good friend and colleague from Ohio.

Mr. SCHENCK. I thank the gentleman. May I point out to the gentleman from Illinois that he is on rather shaky ground in predicting that mass production will make it possible to produce all-channel sets without increasing the cost.

Mr. MACK. I want to correct the gentleman right there. I did not make that statement.

Mr. SCHENCK. I suggest to you that the automobile to which you referred is probably the best illustration of that point, for as I recall, when my family bought a Ford automobile years ago, it was about $700. It is quite different today.

Mr. ROGERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. MACK. I yield to the gentleman from Texas.

Mr. ROGERS of Texas. In regard to the price, I think it ought to be made very clear that the testimony on this issue was that the outside cost at the present time on the changeover would be about $25. Now, I have one television set in my house that cost me $300 just a few years ago. That set today sells for around $175; $125 less than a few years ago. Now, the $25 cost that is attached to the sets that will be produced with the all-channel receiver exceeds the changeover cost, but I think within a very few years this will be wiped out to where the cost of the set will not be affected. But, it must be remembered that in addition to the present service that you get on a set in Washington, D.C., of four or five channels, you get many additional channels. You get all of this additional reception at a much less cost. And, you do not have to do it unless you want to. It is elective.

Mr. MACK. I thank the gentleman.

I just wanted to mention the question that was discussed concerning refrigerators, putting a special kind of device on a refrigerator so that it can be opened from the inside. That matter came before our committee, and I recall the arguments that were made about that, that the burden was on the manufacturers. I recall General Electric and Westinghouse descending on the Congress and on our committee saying how unfair that was, even while every day there was some little child being killed in a refrigerator. We proceeded with our hearings, and the gentleman from Ohio served on that committee. I testified before the committee in favor of that bill. Certainly that was a worthy cause. I do not see anything wrong with the procedure that we are employing today in requiring manufacturers to produce an all-channel receiver, especially when the manufacturers are not opposing it.

Mr. HARRIS. Mr. Chairman, will the gentleman yield

Mr. MACK. I yield to the gentleman from Arkansas.

Mr. HARRIS. Is it not true that the subcommittee on which the distinguished gentleman from Ohio, Mr. SCHENCK, served, did a very fine and excellent job in connection with highway safety when the committee reported out legislation to require seat belts. Later, the manufacturers themselves went ahead and today they install seat belts as standard equipment.

Mr. MACK. The gentleman is exactly right.

Mr. Chairman, I would like very much to comment on the statement made by the chairman of the Committee on Interstate and Foreign Commerce, the gentleman from Arkansas [Mr. HARRIS] to this effect: We have a proposal pending before the Congress today to do something about exhaust stacks on automobiles, which exhaust gases have been very detrimental and many of the cities of our country are concerned about the matter and have contacted various Members of Congress. I predict that the gentleman from Ohio [Mr. SCHENCK] will be back before this Congress this year trying to get legislation which would require all of the manufacturers of automobiles to clean up the exhaust as it comes out of the exhaust pipes of automobiles.

Mr. SCHENCK. Mr. Chairman, will the gentleman yield?

Mr. MACK. I will be glad to yield to my very good friend, the gentleman from Ohio [Mr. SCHENCK].

Mr. SCHENCK. Mr. Chairman, I thank the gentleman for yielding. May I point out to the gentleman that in my statement I tried to carefully delineate the differences in the two types of legislation. It is quite true that the subcommittee on which I serve, and of which I am very proud, did produce legislation which required closers on refrigerators which could be opened from the inside. It is quite true that the subcommittee upon which I have the honor to serve did produce legislation requiring research in exhaust gases of automobiles. May I point out again, as I have tried to do in my statement, that this was a matter of public safety and welfare. The matter of VHF and UHF television reception is entirely a matter of voluntary decision upon the part of those who want to hear this program or that program. When we require them to purchase that, then we could also require men to wear four-button suits as a matter of appearance, and not as a matter of safety.

Mr. MACK. Well, I would say that the gentleman is correct, if this legislation required the people of America to purchase television sets. However, it does require the manufacturers of television sets to manufacture sets that will receive UHF broadcasts. They will be known as all-channel receivers. I feel that this is in the public interest. The people of our country own all of the airwaves. With the enactment of this legislation we can have more competition, we can utilize many of our UHF stations. I want to say to the gentleman—and I think the gentleman was interested in educational television—we have quite a few UHF stations that are going to be educational television stations, and if those people do not have the converters and if we do not pass this legislation, they will not be able to hear the station. I maintain that is in the public interest. There is a tremendous shortage of receivers in this country today. I supported the bill providing for educational television which was pending before the Congress only a few weeks ago. I believe it has a great future. This bill today will help the educational television program move along, and I am all for it.

Mr. Chairman, I am for this bill for another reason. I noticed that the gentleman from North Dakota said:

> We do not need it in North Dakota. We have all VHF channels out there. We have such vast distances involved that even the VHF will not cover these areas, and we do not use some of our VHF stations in these sparsely settled areas.

I concede the point in that area. But I do not think the people of one district send their Representative down here to represent the interests only of that district. They send him here to make this place a better country. They send him here to pass legislation that affects every section of the country. This legislation is in the public interest and I hope the gentleman from Ohio will change his mind and support it.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. MACK. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, I wonder if the gentleman would agree that if price were the only consideration in the passage of this bill the bill ought to be defeated. But it seems to me that the transcendent issue here is whether or not we are going to build up the UHF stations to where they can compete on a financial basis with VHF in the United States. I am delighted that the gentleman made the point that most of the educational television in the United States will be covered by UHF stations. There is no doubt about that. A failure to take a step in this direction to protect the financial interests of UHF will have a serious impact. The hearings bear this out. I think it is open to serious question whether or not the UHF television industry can survive in this Nation without taking at least this step forward. There are other things that have to be done and the FCC is working on them. But from my own knowledge, sitting on a committee that makes money available to the FCC in its annual budget, there is no doubt that this is a step forward in the best interests of the people, as the gentleman from Illinois has pointed out.

Mr. Chairman, I come from an area in western Massachusetts where two UHF television stations have been operating successfully, namely WWLP–TV, channel 22, and WHY–TV, channel 40, broadcasting from Springfield, Mass. However, these U stations would experience great financial difficulty if an additional VHF station were to blanket their broadcast area. For the last several years I have been the sponsor of legislation in this Congress which would have the same effect on the television broadcasting industry, to assist in the utilization of channels in the ultrahigh frequency spectrum, as this bill, H.R. 8031, before us today.

This legislation, requiring that all television sets imported or shipped in interstate commerce be equipped at time of manufacture to receive all television channels, should do much to permit the use of the ultrahigh frequency portion of the spectrum, which to date has been subject to severe competitive disadvantage.

In the early years of television, station assignments were made on VHF channels, as these frequencies were the first to be usable. Later, in 1952, the Federal Communications Commission made extensive commercial and educational television assignments in the UHF band. However, even at that time most of the television sets produced could receive only the VHF stations. As of 1961 only about 6 percent of the television receivers being produced were equipped for UHF reception.

Obviously, the UHF stations have been at a disadvantage in competing with their VHF counterparts. Understandably advertisers and the networks were reluctant to support stations which received such limited reception, and the public was reluctant to make the needed conversion when VHF television was available.

It has been argued that H.R. 8031 is unfair to the consumer as it requires him to pay more money for his television set. I think it is significant in this respect that President Kennedy supported legislation requiring the manufacture of all-channel television sets in his special message on protecting the consumer interest. On March 14 of this year, the President stated:

> I strongly urge its passage as the most economical and practical method of broadening the range of programs available.

Likewise, the House Committee on Interstate and Foreign Commerce, recognizing that the consumer would at least at first be charged a higher price for his television set, stated:

> Even at a slight increase in price, the investment in all-channel receivers will be well worth the cost if this is the only way in which the American people can be assured of the benefits of television service to the fullest degree.

If you observe the antenna arrays which Americans buy to receive television and remember the persons who subscribe to community antenna systems to bring television pictures into their homes, it should be clear that the American public is willing to pay for good television service.

And it is improved television service which this bill will bring. In the first place, it will permit the establishment of more television stations. At the present time 127 of the 278 television markets in the United States have only 1 television station. Use of the 70 UHF channels as well as those 12 in the VHF portion of the spectrum will give the consumer alternatives in the choice of programs. Furthermore, expansion in the number of usable channels will encourage the development of local television station interested in providing local advertising and furnishing channels for local news, local talent, and promotion of local charities.

In the second place, we should not forget that two-thirds of the channels reserved for educational broadcasting are UHF channels. The future of educational television is closely bound with the future of UHF television. I do not need to point out here the role which educational television can play in furnishing high quality education for an expanding school age population.

Mr. Chairman, as one who has for some time been concerned with the future of UHF television and who has introduced bills providing for the exemption of UHF television receiving sets from the Federal excise tax, I am especially pleased that H.R. 8031 has been favorably reported by the Interstate and Foreign Commerce Committee. This bill represents the minimum Congress can do to bring the benefits of all-channel television to the American public. I urge the Members of the House to exercise this opportunity to take a giant step forward in improving television service in the United States by passing this bill.

Mr. MACK. I thank the gentleman. He is familiar with his problem and he and his committee in the past have indicated that they are trying to solve a very difficult problem. It is a difficult problem. They appropriated $2 million to conduct a study in New York City to see what can be done to perfect and to improve UHF service, which all of us admit is inferior today. I thank him for his statement.

Mr. DENTON. Mr. Chairman, will the gentleman yield?

Mr. MACK. I yield to the gentleman.

Mr. DENTON. Mr. Chairman, I understand that the Federal Communications Commission has agreed that if this legislation is passed there will be a moratorium on deintermixture proceedings except in four areas; one of those in Springfield, Ill., in the gentleman's district, and another in Evansville, Ind., in my district. Does not the gentleman think that if this legislation passes, that will be an argument that Congress is favoring deintermixture in those two areas when we do not have it in the rest of the country?

Mr. MACK. Let me say first that I do not think anyone in the Congress made any stronger effort to have Springfield, Ill., included in this moratorium. I think the gentleman speaking made a strong argument in favor of stopping deintermixture everywhere and stopping it today. What the gentleman says is true, and I use again the case of the gentleman from North Dakota, who I understand is opposed to this bill, because they do not need it in his State or his district. I am for this bill even if it does not affect Springfield, Ill. I think it is in the public interest. I think deintermixture was a mistake in the first place. This is a sound approach to a very difficult problem.

Mr. DENTON. I do not think it is in the public interest to discriminate against any communities, which include the gentleman's and mine. There is one further point I want to make. The difficulty with UHF is not so much the cost, but because the signal does not carry as far as it does with VHF. I do not see how making everybody have ultra high frequency and very high frequency is going to solve that problem.

Mr. MACK. I hope the engineers will be able to improve it so we can get a stronger signal from UHF. It will travel only about half as far and takes in only about one-third as many people as VHF.

Mr. SPRINGER. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. YOUNGER].

Mr. YOUNGER. Mr. Chairman, I want to make it clear to start with that I voted to report this bill and I think it is a step in the right direction. My concern about this whole procedure arises from two points: One, I do not like legislation that comes from an agreement between the Congress and a regulatory body as to their not doing something if we will do something. That is the way this legislation originated. I think that as a principle that is not a good approach.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. I yield to the gentleman from Arkansas.

Mr. HARRIS. I do not know that I would agree with what the gentleman has just said, because, if the gentleman will permit, the Federal Communications Commission was doing something. What the Commission was doing was deintermixture.

Mr. YOUNGER. Correct.

Mr. HARRIS. That was a very positive step, and it was wholly unsatisfactory. I know and the gentleman knows, we on the committee know, there has been an effort made over a long period of time to take these VHF channels from commercial operation and utilize them for other purposes. That, in my judgment, is behind this whole issue. It is the basic problem.

We know that the Commission just a short time ago on the basis of a so-called experiment was going to put pay TV in every major market in the United States, 108 of them. Everybody knows that type of experiment, when a policy of that kind is imposed, when you invade a market in such a way it is not an experiment, it is a policy.

In my judgment, the Commission is moving toward deintermixture; first five instances, then eight more, and ultimately it will be a dozen or so, and finally by this effort to make them all UHF. There is the problem involved. The Commission was doing something about it and we took this position in the bill because we believe it is the best in the interest of the public.

Mr. YOUNGER. That is very true. I do not question the word of our very fine chairman. But the gentleman also gives evidence of the fact that this originated out of an agreement with the Federal Communications Commission that they would desist from their deintermixture if we would pass this legislation. That is the way the legislation originated.

Second, if you will read the testimony, about 70 percent of the testimony in the hearings is on deintermixture and only about 30 percent of it is on the question of the advisability of the manufacture of the all-channel sets. This legislation is not required.

It is said that we are going to require the manufacture. This is all permissive legislation. It is permissive to the Federal Communications Commission that they may only require. There is nothing in the bill that says that Congress is going to require that that be done.

As so ably expressed by our chairman, this is a long-range program. I doubt if anything of importance can come of it for probably 3 years.

It is not something that we are going to be faced with in a very short time.

As to that double page ad that has been referred to. Neither of the gentlemen who referred to it, our chairman or the gentleman from Illinois, said that they tried to purchase any of these sets. I have a friend who went out there in answer to that ad on the all-channel

sets who tried to buy one of them. The clerk said, "No, you do not want to buy one of these." And he did everything possible to discourage him. He finally said, "Well, if you buy one of these sets, you cannot get the UHF more than about two or three blocks from the station." I mean he was using every argument possible not to sell it. I think this ad, from what my friend said, who was out there, was more or less of a come-on ad because they had no intention of selling them. He is the only one I know of who went out there and went to the store and tried to buy one of the sets.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. I yield to the gentleman from Illinois.

Mr. COLLIER. Even if the set were available, as advertised, would that necessarily mean that simply because there was a retail price established by one merchant, which is a practice in all types of bargain marketing, that that would be an indicator that there would be no increase in price?

Mr. YOUNGER. No, I think anyone who reads the hearings or who sat through the hearings, and I think I probably sat through as many days of the hearings as any Member on the committee, I think that it would show the cost of the set on an average will be approximately $30 more. I do not think there is any question of that at all because the testimony of the manufacturers and of everybody testifying in the hearings was to the effect that the price increase would be more than $30 and some less than $30, but the average was about $30. What I am afraid of and what I fear, and I have two amendments which I will offer in due time, is the fact that you will have to purchase an all-channel set but you will not have the broadcasting to listen to.

For instance, consider the testimony from Akron, Ohio. They have 80 percent of their sets in Akron which were equipped to receive the UHF signals and, yet, the UHF station in Akron, according to the owner, has lost approximately $2 million simply because the three VHF stations in Cleveland cover that whole area to the point where the UHF station cannot make money and cannot get the advertising. So the fact that you have a UHF receiver, I am afraid, is not going to be the whole solution.

I have in mind one thing. We ought to develop or probably at least try to develop the same process that was developed in reference to FM radio. The AM radio voluntarily developed FM radio and they are broadcast simultaneously, and now we have a very fine development in FM radio and it has been exceptionally good. In New York we are conducting an experiment now, and if you will recall we appropriated some $2 million something over a year ago for the FCC for this purpose. They have 100 sets which they are moving around in New York to test out the UHF reception in a canyon city. They were supposed to move the 100 sets around to about 5,000 locations. Their report will not be available until about October. But so far they have found the reception on the UHF receiver and they have their own broadcasting station, is as strong as the VHF station.

Thus far it has proven that a VH station can operate in a satisfactory manner even in the biggest canyon city we have in America.

At the proper time I shall offer an amendment providing again permissive legislation to the FCC, that they may require the V broadcasters to broadcast also over U, so the people will know they were going to have some broadcast, and it will be developed by people who know broadcasting.

Another amendment I shall offer is one to permit the networks of an individual to own as many, up to five, U stations as they or he now have V stations, in order that we can have the networks interested in development.

I think we have got to pay more attention to the developing of broadcasting so that when people have these sets there is going to be use for them. That is the problem that I think we are confronted with, and that is the problem that confronts these concerns. There is no use buying a set because of what may happen. You may make a set capable of receiving UHF and VHF. The UHF adapter is a little gadget in the receiver which can be removed. After the salesman gets the set, if you wanted a V receiver and not a U receiver he could take that portion out and he could sell it to you for $30 less. That is the thing I am fearful of it we do not develop the broadcasting to the point where we will make it advantageous for the individual to pay more for the U set.

Mr. SPRINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. ANDERSON].

Mr. ANDERSON of Illinois. Mr. Chairman, I shall take only a couple of minutes of the Committee's time this afternoon to indicate my support of this legislation. Although not a member of the committee, I had occasion to follow this legislation with a great deal of interest because in the deintermixture proceedings that were instituted by the Federal Communications Commission—I think in July of last year—Rockford, Ill., was one of the market areas selected as a target.

I simply take this time to indicate the reasons for my support of this legislation. I appreciate that the fear has been expressed this afternoon by some that in effect we are striking a bargain with the Federal Communications Commission; we are telling them that in exchange for passing this bill please call off the deintermixture in these eight areas. I would certainly hope that by the committee report, that by the debate that we are having on this bill on the floor of the House this afternoon, we are making it perfectly clear that we are not bargaining with the Commission. Rather we are making it perfectly clear that it is the will, that it is the purpose, that it is the intent of Congress that they shall not proceed in these eight areas with deintermixture. In that connection I want to associate myself with the additional views of the gentleman from South Carolina [Mr. HEMPHILL], and the gentleman from Alabama [Mr. ROBERTS].

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield.

Mr. HARRIS. I would like to join the gentleman in the statement he has just made. The Federal Communications Commission can do only what the Congress authorizes it to do; in other words, it acts for the Congress. The gentleman has just stated so well what we are doing here is to establish congressional policy. We are substituting congressional policy for Commission policy, and I think that is pretty important.

Mr. ANDERSON of Illinois. As long ago as September 19, 1961, I introduced in the House of Representatives a bill, H.R. 9291, which contained certain limitations on the authority of the Federal Communications Commission to delete previously assigned very high frequency television channels. This bill, if adopted, would have the effect of prohibiting any further action by the FCC with respect to the proposed deintermixture of the eight television market areas in the country, one of which was Rockford, Ill. I must confess to the members of the committee that I would have preferred to see the adoption of the absolute bar by statute to the further pursuit of the deintermixture by the Federal Communications Commission. However, as I have already indicated, I am satisfied from a careful study of the bill which we are debating today and the committee report which accompanied that bill that the practical effect of this legislation will be the same. At the risk of reiterating what I have already tried to make abundantly clear, I am supporting this bill because I feel it constitutes notification to the FCC that the Congress is opposed to the deintermixture proceedings which were begun in July of 1961. I have received literally hundreds if not thousands of letters from people in my congressional district reflecting their extreme distaste for and opposition to the proposal to eliminate the VHF station in Rockford, Ill. I am satisfied that the passage of this legislation represents a genuine victory under our democratic process for those who oppose the deintermixture policy of the Commission.

I appreciate that honest and sincere men have on the floor of the House this afternoon expressed their reservations about the constitutional implications of this bill. However, I believe that the vast majority of citizens recognize that Federal regulation of the assignment and allocation of television channels and regulation of the television spectrum in general, is a proper matter, under the Constitution, for the Federal Government as it involves so completely the subject of interstate commerce. I am further informed that the television industry as a whole has no objection to this legislation. Indeed, viewed in its proper perspective this act of Congress is not a regulation of a manufacturing industry but rather an act dealing with the utilization and development of that portion of the Nation's airwaves which are devoted to the transmission of television signals. Therefore, I think that the Congress is within its constitutional

power in acting. Further, I believe that our action will be in response to the wishes of the American television public.

I can recall that it was only a few weeks ago that some columnist and others were issuing pious protestations against the dangers of a congressional dictatorship. This discussion arose in connection with the attempt by the House Armed Services Committee to issue a mandate to the executive branch with respect to the expenditure of funds for the RS–70 weapons system. I have taken exception to these fears and openly expressed the thought that the dangers lie in an entirely different direction. There is entirely too much tendency on the part of the Congress to delegate authority to the executive branch and its myriad administrative agencies. It is my firm belief that by this legislation we are enunciating clear and firm congressional policy against deintermixture, and we are serving notice on the Federal Communications Commission that we expect congressional policy to be observed. Particularly, within the context of the times in which we are living, I think that this is a healthy thing. I hope that in the future Congress will continue to make it clear that its policies when expressed in the form of law are intended to prevail over policies which issue from an executive or administrative agency.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. THOMSON].

Mr. THOMSON of Wisconsin. Mr. Chairman, when I purchased the television sets I have in my home, they were all-channel receiver sets, because Madison, Wis., was a completely intermixed market. We had two UHF stations and one VHF station. It was quite a shock to me to find out that some people could receive only VHF on their receiver sets and others could receive only UHF on their receiver sets. But after I arrived in Congress I discovered there was a tremendous pressure on the Federal Communications Commission to deintermix some markets or to eliminate from those markets the VHF signal. The district I represent has no television station in it, with one exception. Most of the signals that they receive come out of Madison, Wis., which is in another congressional district. The only regular and good signal they receive is the VHF signal that comes out of the station in Madison, Wis.

When I learned there was an effort on foot to deintermix the Madison market, which is one of the targets of the FCC, I introduced a resolution in the Congress to require the FCC to desist in further activities until they had made a report to the Congress on their experiments with UHF in the city of New York. Other Members of this body introduced resolutions which would have denied to the FCC the authority to deintermix. These bills, together with the bill for all-channel receivers, were referred to the very fine Committee on Interstate and Foreign Commerce that held simultaneous hearings on this entire subject of all-channel receivers and deintermixture.

I want to say the impression I got from attending those hearings and participating in them is that the Commission is trying desperately to preserve in this country a great natural resource. That is, the 70 bands on the spectrum that are assigned to the UHF transmission signal. Try as they may, try as the industry may, they have been unable to induce people to go into the transmission of the UHF signal. But this body in spite of that just the other day voted a fund of $25 million to encourage educational television, most of which will be on the UHF band.

On the one hand we are giving money to encourage its use, and here today when we have a bill which is attempting to make that band useful, we have people who are opposing it on the ground it might cost a little more money to purchase sets that are used in their homes.

My impression of that is that the people want a television receiver that will receive both UHF and VHF. I frequently hear an expression on the part of people who feel they cannot get the UHF signal or they cannot get the VHF signal, and they object to paying the $30 additional because it requires a little box to be placed on top of their present television set which the lady of the house has to move, dust, and take care of; and when it is added to a set it is not as effective as it probably should be. What we should do is try to eliminate the waste that is occurring when these 70 bands of the spectrum are not being used. We should encourage them.

There was no bargain or agreement made with any agency of this Government. It was a decision made in the Committee on Interstate and Foreign Commerce that the best solution to reach the desired objective of complete intermixture was the passage of this very bill requiring all-channel receivers on all sets made hereafter. It was a decision made in the Congress, and I certainly hope that the members of this committee and the House will approve this legislation.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. CRAMER].

Mr. COLLIER. Mr. Chairman, will the gentleman yield for just one brief comment?

Mr. CRAMER. I yield.

Mr. COLLIER. With reference to the statement that the gentleman from Wisconsin made, I think it is not so much a matter of the increased cost to many of us, because the principle involved would be the same whether the set was increased 30 cents or $30.

Mr. CRAMER. Mr. Chairman, I ask unanimous consent to proceed out of order and that my remarks follow the consideration of this bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HARRIS. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. Mr. Chairman, I have requested this time in order to clarify with the chairman of the Committee on Interstate and Foreign Commerce a question which appears on page 3 of the report, and to request his comment on educational television. That statement is as follows:

> At present 92 VHF and 189 UHF channels are reserved for educational broadcasting.

Mr. Chairman, it is my thought that when this legislation was considered and the allotment was made, that the number of educational television channels were considerably in excess of what are reported here. For instance, in the northern part of my State I led the fight to have channel 5 allotted to six State educational institutions. I find now that because they did not proceed to build the station within the year after the time was allotted, that that time has been allotted now to a commercial group and is no longer available, except about 10 or 15 percent, and perhaps, some days, as much as 20 percent is allotted to educational purposes.

Mr. Chairman, will this legislation permit any further invasion of those stations that are reserved for educational purposes?

Mr. HARRIS. If the gentleman will yield, on the contrary, I would say to the gentleman from West Virginia, I think it will make possible greater utilization of the assignments for educational purposes. That is one of the objectives of this legislation which was mentioned a moment ago, I think by the gentleman from Illinois [Mr. MACK]. Now, there has been a great demand, I will say to the gentleman from West Virginia, over a period of time to the effect that if these VHF channels assigned for educational television purposes were not going to be utilized, they should be reassigned for commercial purposes.

Mr. BAILEY. Who, might I inquire, has the authority to do that? Who, without notice, has authority to do that, and to take away channel 5 from the educational institutions of West Virginia and give it to a commercial group?

Mr. HARRIS. The Federal Communications Commission has the authority. As a matter of fact, the Congress has directed the FCC to make these determinations. After the rulemaking procedure under the Administrative Procedure Act, the Federal Communications Commission would make such judgment.

Mr. BAILEY. Is it not true, then, that there is a possibility these reservations for educational purposes with that authority given to the Commission that in a matter of a few years there will not be any reservation for education, and that all of them will be granted for commercial purposes?

Mr. HARRIS. No; not at all. We have just passed a bill which has been signed by the President today, I will advise the Members of the House, providing for an educational television program. In my judgment that legislation will enhance the program a great deal.

Mr. BAILEY. I thank the gentleman for that information.

Mr. HARRIS. Mr. Chairman, I yield myself 3 minutes in order to answer a

question of the gentleman from California [Mr. HAGEN] to whom I yield at this time.

Mr. HAGEN of California. Mr. Chairman, as I understand this legislation it creates a moratorium in respect to certain deintermixture proceedings which are current; and it divides those into two categories, eight in one category, and four *in another*. The Commission stipulates, and it is committee policy, that this moratorium definitely applies to the eight, but with respect to the four there appears to be some doubt. And I refer to the language on page 7 of the committee report which states:

> There are four other deintermixture proceedings referred to in detail in the appendix to the Commission's letter in the case of which the Commission may find it necessary to go forward with such proceedings and to reach a *decision* in these cases which the Commission determines to be in the public interest under the particular facts existing in the proceedings.

Now I emphasize the following language:

> In deciding these cases, however, the committee expects the Commission to give proper weight to the congressional policies set forth in this report. Furthermore, the committee notes the Commission's statement that in deciding these particular cases it will give great weight to any loss of service to the public which would result from the abandonment of VHF channels allocated to the particular communities involved in these cases.

May I have some further comment from the Chairman with respect to this particular language?

Mr. HARRIS. I will say to the gentleman that the committee did not feel that Congress had the authority to deal with the four stations to which the gentleman referred, because all four of those cases were in litigation in respect of deintermixture. They were cases on which the Federal Communications Commission had passed. They were appealed to the courts. As I said earlier today, those cases, being in litigation, the Congress did not feel that we should invade or could invade the prerogatives of the judiciary. What we did say had to do with establishing congressional policy on deintermixture. When the Commission makes the decision in these cases, the Commission is expected to follow the principles of the moratorium on deintermixture, as stated in the committee report, if it is found to be in the public interest. As an example, there is Fresno, Calif., where deintermixture has already been consummated, as I understand. They are finding that the UHF signal there is such that the people are apparently satisfied with it. It is operating in the public interest and therefore it should be assumed—I have no way of making any commitment—it would have to be assumed that in a matter of that kind it would be determined by the Commission to be in the public interest to continue the situation as is. In other words, where the Commission can make a determination that it is in the public interest, it will follow the policy of the moratorium.

Mr. HAGEN of California. I thank the gentleman.

Mr. HARRIS. Mr. Chairman, I yield 3 minutes to the gentleman from Montana [Mr. OLSEN].

Mr. OLSEN. Mr. Chairman, the objection to this particular legislation from my part of the country, where we are rather sparsely settled, is that while it does take care of a problem for the urban areas the problems of the sparsely settled areas are not helped at all. That is hardly a really good objection to giving a remedy to the urban areas, but we are, in effect, being charged—we who buy television sets out in Montana—more for a television set, and yet the problems of the sparsely settled areas are not attacked by this bill.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. OLSEN. I yield to the gentleman from Arkansas.

Mr. HARRIS. Let me advise the gentleman that the effort has been made to move all commercials to UHF. If we were to permit ourselves to be in a position where all commercial television would be UHF, the gentleman's area would be really, seriously in trouble. From that standpoint I would urge the gentleman to think a long time before he opposes legislation of this kind, because whether the gentleman knows it or not this is an attempt to help the gentleman's area.

Mr. OLSEN. I thank you, Mr. Chairman. Let me point out two other present problems that are present in my area. There are local stations in Montana which are rebroadcast by translators, but the translators which rebroadcast to remote areas the signal of the urban areas are limited to 100 watts of power. In Canada, translators are permitted 275 watts. One hundred watts are not sufficient to get television out to some of our more remote rural areas and they are being denied any television at all.

Also, cable television in Montana urban areas is competitive with free TV in that cable TV will bring programs in from the larger cities like Salt Lake and Spokane, and then the larger advertisers of the country will not pay to advertise on the small stations in Montana because they get into our public free.

We need assistance and protection for free television in Montana, so that their programs are not duplicated by cable-pay television in the urban areas. This is necessary so that national advertisers on network programs must pay local free television in Montana for area coverage. I want to encourage every kind of enterprise in television. We need help from the Congress and the FCC to that end in Montana. Under this bill, we are not relieved or assisted, we will be paying for additional channels on our receivers yet those channels that are already on our sets are not properly regulated for us to receive all the television service we really need.

Mr. HARRIS. Mr. Chairman, I yield myself 2 minutes to answer a question of the gentleman from Illinois.

Mr. PUCINSKI. I am grateful to the gentleman for his yielding to me.

Can the chairman tell me if UHF reception in the present state of the art is as good as VHF reception?

Mr. HARRIS. I would say it is; within the limits of the reception of those who are capable of perfecting it, it gives as good reception. Insofar as the coverage of the area to be covered, no, it is not.

Mr. PUCINSKI. Because of my profoundly high regard for the chairman and his committee, I would be inclined to support this legislation, but this question is disturbing me. If we can tell the manufacturers to build UHF receivers into these new sets, will we then be moving in the direction of ultimately putting the country on UHF television and letting the Government, that now uses a lot of VHF, continue to use those?

Mr. HARRIS. On the contrary, I would say that we feel that this action is just the reverse. If we do not take some action like this we are ultimately going to find the country with nothing but UHF.

Mr. PUCINSKI. On the other hand, if we do not pass this legislation, or if we do not do this in forcing installation of UHF receivers in sets, will we then be able to start probing for an answer to this whole problem in a more efficient use of VHF facilities now in service? I am afraid the Government has a lot of VHF channels. There has not been a word said today about the Government using these channels. We are in effect telling the American people to secure their television entertainment on UHF television, when we have not seen whether there is really efficient use of VHF television at this stage of the art.

Mr. HARRIS. I will say to the gentleman, I have been involved in that subject now for several years, at least 5, or 6, or 7 years. We have held hearings and we have tried our best to do something about it. But, unfortunately, the Government has certain assignments of certain channels of the spectrum that have been assigned to them that you cannot get from them. An effort was made about 3 years ago to take these 12 or 13 away from the commercial operation and it created a terrible condition in the country. I would say to the gentleman, I have done all I can do and what the gentleman has suggested is something that our committee has pursued for the last several years. We even tried to bring about the establishment of a superagency that would have authority to reassign these channels, but I could get nowhere with that because of military domination.

Mrs. RILEY. Mr. Chairman, I rise in support of the legislation.

I am happy that we are able to preserve the fine services of channel 10 by this compromise.

We in South Carolina have worked long and hard to preserve this valuable resource which we call our VHF channel in Columbia which renders great service not only in Columbia and elsewhere in my district, but, also, in the districts of the other Congressmen from South Carolina.

I am happy that the Interstate Commerce Committee has effectively worked

out a compromise to give the people the continued services of channel 10.

I appreciate the courtesies shown me by the various members of the committee and the chairman when I asked them to give us help in saving channel 10.

Mr. MONAGAN. Mr. Chairman, I favor the passage of this legislation. It will lead to a more effective use of the Connecticut television potential.

From the point of view of my district, however, it is extremely important to note in connection with this bill the assurances of the Chairman of the Federal Communications Commission, Mr. Minow, that the previously proposed deintermixture would be indefinitely delayed. This means that the threatened removal of Connecticut's channel 3 will not take place and the television service of this fine station, which constitutes the sole television service of many people in my district, will be continued.

I am sure that Governor Dempsey, of Connecticut, who took a leading part in the effort to save channel 3, and all of us who had any part in this result, will feel highly gratified that the high level of Connecticut television service will be maintained.

I have previously stated my position to the Federal Communications Commission, when I opposed the deintermixture of channel 3 on the ground that such action would adversely affect about 250,000 residents of Connecticut. Approximately 45,000 residents of the Fifth Congressional District would have been faced with a complete television blackout if this experiment with UHF had been approved. While I believe in the extension and enlargement of UHF television channel use where practical, it has been established that UHF is not effective in sparsely populated areas and in areas of rough, hilly, and wooded terrain such as we have in many parts of Connecticut.

It was my privilege to have testified at the hearings of the Committee on Interstate and Foreign Commerce in support of all-channel television receiver legislation and in opposition to the proposed elimination of VHF channel 3 from Hartford, Conn. I believe that with the adoption of this legislation we can be confident of improved television reception through greater development of UHF where practical.

Most important, however, to residents of my district, is the assurance provided by the Chairman of the FCC that proceedings for elimination of Connecticut's VHF channel 3 will be discontinued.

Mr. BRAY. Mr. Chairman, I rise in support of H.R. 8031 which would require the manufacture of all-channel television receivers.

I introduced similar legislation in H.R. 10532 to make possible further development of commercial and educational television on the 70 UHF channels that are now available and at the same time make sure that the existing television service to the American public now provided by commercial and educational stations operating on the 12 VHF channels is not impaired.

This bill would empower the Federal Communications Commission to require that any television receiver shipped in interstate and foreign commerce must be constructed so that it will be able to receive all of the present 12 VHF channels now allocated to television and all of the 70 UHF channels now allocated to television.

I had proposed in addition that legislation specifically prohibit the Federal Communications Commission from deleting any VHF channel assignment from any community in the country, or from all communities in the country, when such action would serve the purpose of, or have the effect of, making all television stations in any community operate on UHF channels.

It is the belief of many who are interested in this legislation that if all-channel television receiver legislation is passed, the Commission will preserve the present VHF allocations. I hope so, but I am not certain. Personally I would like to see more complete safeguards established to protect the VHF channels, but the present bill is an important step in the right direction. Members of the committee tell me that while this bill is not as strong a bill as they would like, that it is the best that they can get passed.

Last year the FCC issued a notice in which it stressed the importance of all-channel receiver legislation in connection with its handling of television allocation matters. But the thrust of that notice was not toward providing for the further development of UHF television in connection with and alongside VHF television. Rather, the notice contemplates doing away with VHF substantially, if not indeed completely. Thus, in the notice the Commission announced that it was starting proceedings that day to take VHF channels out of eight communities, that it was planning to start similar proceedings in an undisclosed number of other communities, and that ultimately it visualized a television system in which all stations, or almost all stations, would operate on UHF channels.

It is clear that the continuation of this policy by the FCC will lead to the complete elimination of VHF stations. UHF stations simply cannot do the job in providing the service to millions of viewers who are outside of heavily populated centers.

We do need to better utilize the UHF channels. If all television sets are built so they can receive both UHF and VHF stations, as this bill provides, the total television service can be increased rather than curtailed.

Whether or not a State is directly affected by immediate proposals for shift to UHF, it is apparent that if this philosophy once gains a foothold it will not be long before all the States and all the people will be suffering from it.

Indiana is now served by television stations which operate on UHF and VHF channels. Both UHF stations and VHF stations provide a very valuable service to the public. But neither VHF channels alone nor UHF channels alone could possibly do the job that is being done, and in the future can only be done, not only in Indiana but across the Nation, by stations operating in both frequency bands.

Although UHF stations can provide a worthwhile service within the limits of their inherent capabilities, they simply cannot cover the wide areas that can be covered by stations operating on VHF channels. If a VHF station is shifted to a UHF channel, a great number of people will lose an existing television service and many of these people will lose their only television service. For the most part, these people would be located in rural areas, on farms, in small and medium-size communities, and in outlying sections. They now get television service because VHF stations in larger, but distant, communities are able to bring the service to them. If this VHF service were taken away, the only way they could get service back would be to build local stations.

We all know, however, that television stations take a lot more money to build and operate than do radio stations. It just does not make economic sense to assume that these small and remote and lightly populated areas are going to be able to support their own local stations in order to replace the lost VHF service. Therefore, if we are to make sure that the public does not suffer loss of television service, we must make sure that VHF stations are not shifted to UHF.

If viewers can choose freely between VHF and UHF stations, then it will be possible for such stations to operate in the same areas. At the same time, those viewers in outlying areas will still be able to receive the stronger VHF programs and will not be denied service as the FCC policy would eventually bring about.

Because television is so very important to the people of this country, I believe it is essential for the Congress to state clearly that the public interest would not be served by an all-UHF system, but would be served by a system under which the present 12 VHF channels and the present 70 UHF channels operated alongside each other. This bill would make this clear, while at the same time opening the way toward further development of our television system in this direction.

Mr. BASS of New Hampshire. Mr. Chairman, I am opposed to the legislation before us—not because the end is necessarily unworthy, but because I question the means.

This bill—H.R. 8031—authorizes the Federal Communications Commission to require television set manufacturers to equip all sets to receive the 70 ultra-high frequency channels in addition to the 12 TV channels most sets now receive.

I object to this as one more area in which the Federal Government is intruding in the lives of our citizens.

It certainly would be an advantage to some people if their sets could receive more TV channels. However, it is also an advantage to have color television, but no one here is proposing that the Federal Government require all sets to receive color.

Why can we not leave it to the option of manufacturers to add this additional equipment to newly manufactured sets?

This would give people the free choice of buying the somewhat more expensive sets with this equipment, or not buying them if they did not choose to pay the additional money.

We are faced here with a question of principle. Our Constitution is clear in the limits set on the power of the Government. Throughout our history many people have been willing to forgo some benefits in order to hold the power of Government in check.

It is my belief that to extend the regulatory power of the Federal Government, even in so limited a way, would not be worth what this legislation hopes to accomplish.

Mr. KEARNS. Mr. Chairman, I shall vote in favor of H.R. 8031, a bill to authorize the Federal Communications Commission to require that all television receivers shipped in interstate commerce, or imported into the United States, be equipped by the manufacturer to receive all television channels; that is, the 12 channels in the VHF band, as well as those channels for the UHF stations.

This is particularly important in the 24th District of Pennsylvania which I have the honor to represent. Erie Broadcasting Station WICU will be assured, by the passage of this legislation, that it may continue its operations and continue to serve its viewers. True, also, is the fact that UHF stations such as WSEE in Erie, Pa., will benefit by the provisions of this legislation.

I have long advocated that TV sets be equipped by the manufacturer to receive all 82 TV channels, the VHF as well as the UHF channels. At the present time it costs from $35 to $50 to convert a standard TV set to receive all programs, including the educational programs which are usually broadcast on UHF stations.

If the American people are to benefit from TV to the highest degree, sets must be manufactured which are capable of receiving stations operating on UHF channels.

There are nearly 55 million TV sets in operation today, but only about 9 million of these, approximately 16 percent, are capable of receiving UHF television signals.

The overwhelming bulk of TV set production today is limited to VHF sets. The situation is steadily getting worse. In 1953 over 20 percent of the TV sets were manufactured to receive UHF stations, but, by 1961, only about 6 percent of the TV sets were so equipped.

In my opinion, the country as a whole will benefit by this legislation. It is also an important step toward the final solution of this difficult and perplexing problem.

Mr. ALGER. Mr. Chairman, it is quite apparent that none of us wants to see the approximately 70 UHF stations going to waste through lack of use. It is also apparent that many are concerned that the end does not justify the means when an improper means is used to attain the end. This problem is something like the chicken and the egg situation, whether you start with the UHF station or UHF–VHF receiving sets. Obviously both are needed. Again all of us share a concern over the deintermixture whereby UHF or VHF would be denied metropolitan areas as they are segregated one from the other in different areas.

My opposition to this bill is very fundamental. This is the wrong means to attain the end. Constitutionally, I do not believe this Congress has the right to lay down manufacturing specifications. Since we take an oath to support the Constitution, this argument alone is enough reason for me to oppose this bill. But even as the Constitution is soundly based on fundamental principles there are also other objections which I have that are quite fundamental:

First. Consumers would be forced to pay more for their television sets.

Second. After having paid more because the Federal Government forced manufacturers to include the additional UHF channels they would not be able to benefit from UHF reception if no stations were available in their area. Further, I have been reliably informed that UHF adapters can be added to present TV sets at such time as TV set owners choose to do so. Here there is an element of free choice, which I think is a basic fundamental of free society so typical of our constitutional Republic within a democracy Unfortunate as the deintermix action by the FCC, more unfortunate, it seems to me is this deal between the FCC and Members of Congress to force the manufacturers and the consumers to conform to Federal regulation.

In addition, it is my understanding that we are not even sure that the UHF broadcasting will work. The $2 million engineering investigation in New York City of technical problems relating to UHF signal characteristics prescribed by the Federal Communications Commission has not resulted in findings necessary to know if such UHF broadcasting will be successful. In passing this bill we therefore have the cart before the horse, it seems to me.

Finally, as a precedent, wherein the Federal Government controls the manufacturer there is no telling how far such control may extend in the future. For all these reasons, Mr. Chairman, therefore, I must oppose the bill.

The CHAIRMAN. All time has expired.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 303 of the Communications Act of 1934 (47 U.S.C. 303) is amended by inserting at the end thereof the following:

"(s) Have authority, whenever the objectives of this Act so require, to prescribe minimum performance capabilities for apparatus designed to receive television pictures broadcast simultaneously with sound, when such apparatus is traded or shipped in interstate commerce, or is imported from any foreign country into the United States, for sale or resale to the public."

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment on page 1, beginning with line 6, strike out all down through line 4 on page 2 and insert in lieu thereof the following:

"(s) Have authority to require that apparatus designed to receive television pictures broadcast simultaneously with sound be capable of receiving all frequencies allocated by the Commission to television broadcasting when such apparatus is shipped in interstate commerce, or is imported from any foreign country in the United States, for sale or resale to the public."

Mr. YOUNGER. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. YOUNGER: Page 2, after line 9, insert the following:

"SEC. 2. Section 307 of the Communications Act of 1934 (47 U.S.C. 307) is amended by adding at the end thereof the following:

"'(f) The Commission may require any licensee who is authorized to engage in television broadcasting on a very high frequency channel (between 54 and 216 megacycles) to also engage in television broadcasting on an ultra high frequency channel (between 470 and 890 megacycles) after the date on which rules prescribed under section 330 of this Act become effective.'"

Redesignate the following section accordingly.

Mr. YOUNGER. Mr. Chairman, before I explain what this amendment does, I would like to have the attention of the chairman, if I may, and refer to a paragraph at the end of page 4. The addition there refers to this very same question that I have raised. It says:

Another method of promoting the UHF operation was suggested to the committee. It will require each commercial VHF station to operate a parallel UHF station in the same manner. The committee is convinced that such proposals would not provide the public with a significant amount.

And so forth.

As I recall, this was not discussed by the committee. I wonder if it would not be well to clear up the record on that at this point.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. I yield to the gentleman from Arkansas.

Mr. HARRIS. Yes, I believe the gentleman is correct. This and any other provision should be cleared up as much as possible, if it needs any clarification. I would say to the gentleman, and the gentleman has talked to me about this and, therefore, I was aware of his interest, if he will read the hearings on the proposed legislation at pages 536 and 537, there is included a letter from the Electronic Industries Associated dated March 23, 1962, in which this question was raised.

The electronics industry proposed as an alternative to the problem that the broadcasting industry be required to broadcast over both a VHF assignment and a UHF assignment. The committee report paid no attention to this language because of the proposal that was made to the committee as an alternative. The committee did not consider or even discuss seriously, if indeed at all, the proposal of the electronics industry. Therefore the footnote here was included in the report merely to show that there was a discussion and the committee did not

comply and go along with the suggestion of the electronics industry.

Mr. YOUNGER. The committee did not discuss it, or it was not discussed.

Mr. HARRIS. The committee moved to other phases. As a matter of fact they did not act on it even to discuss it in executive session.

Mr. YOUNGER. I did not think about it until afterwards, but as I pointed out before, I think our problem is to get the broadcasting started so that the all-channel receiver will be of value. I think the Members are clear as to the amendment's intent and what is involved. There is nothing new in this, because the FCC did have this same idea as one part of the deintermixture docket which they were processing.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. I yield.

Mr. GROSS. Then the stations would have to broadcast on both VHF and UHF channels.

Mr. YOUNGER. Just as they do now with AM and FM radio. It can be received on the same receiver with proper additions.

Mr. GROSS. It seems to me there is a good deal of difference.

Mr. YOUNGER. Part of the difficulty arises from the networks taking so much of the time of the stations that they do not have the necessary time to broadcast local and public interest affairs. This would give them a chance at another station to do that. And their experience and facilities would enable them to do it at less cost than to establish a new broadcasting station.

Mr. COLLIER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, for whatever good it might do at this point I would like to summarize the opposition to this legislation, because it has been scant. First of all, let us get the issue in its proper perspective. What this legislation does is to make available by compulsion that which is already available to the television viewers of this country on a voluntary basis. In the process of doing this we force upon millions of American television viewers the necessity of buying equipment which they neither need nor necessarily want.

It has been stated in the course of the debate here today that everyone is for the bill, including the television manufacturers. I repeat that if the television manufacturers favor this bill then there is no need for the legislation. In recent years here in the Congress we have tried to amend and even repeal the law of supply and demand as we are doing today. The facility or apparatus that is necessary to those who cannot presently receive UHF may be purchased by the person who demands or who wants it.

Instead of leaving it on that basis, instead of accepting the fact that the television manufacturers apparently want this legislation and, therefore, would produce the sets based upon the need of the country, we say, "no; we are going to require by law the manufacture of a facility which everyone must buy, whether they want it or whether they do not." I cannot for the life of me figure out why under existing circumstances we need this legislation. It sets a very bad precedent. We are placing in the hands of the Congress through this legislation the right to dictate to any manufacturer what he shall manufacture, and specifications that go beyond the normal standards or requirements of the law in this field. And, secondly, it opens the door to an invasion in this same field in many other areas.

I would hope that the House in its wisdom will look at this bill in its perspective, not as a means of combating other legislation or perhaps an Executive order, but, rather, under the principle that is involved in this legislation, and defeat the bill.

Mr. ROOSEVELT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I should like to ask a question of the chairman, if he will allow me.

In your radio set you could have an AM and FM band, and a fairly good sized one. But in the little transistor set, it is my understanding you can have only one kind.

Suppose in a television set it becomes opportune to have a very small one which could only have conveniently for good reception one of these bands, it is not the intention of the committee, is it, to instruct the FCC that it must demand that this set have both? Have they not at least the authority, if they want to, to give them an exemption in order that they might be so manufactured?

Mr. HARRIS. The Federal Communications Act has that authority. Under this proposal here it does not increase, restrict, or interfere with the development of the electronics industry. As a matter of fact, they have some rather small television sets under way now.

Mr. ROOSEVELT. I happen to own one. I do not think it is possible to convert it to both and I do not want to lose it by action of this committee.

Mr. HARRIS. You may be surprised to know what you can do with it. In the future you will find as a result of scientific research it is possible to extend many of them, regardless of how small they might be, and that they may be converted.

Mr. ROOSEVELT. In the meantime, it is not the mandate in this bill that the Commission must require that every set have both kinds?

Mr. HARRIS. Not at all. That is done by rulemaking procedures of the Commission which develop all these facts as to what it should do in order that there may be brought about a utilization of these resources.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from Iowa.

Mr. GROSS. If this bill has any meaning at all, it is mandatory that they did contemplate exactly what the gentleman suggests, it seems to me. If not, why the need for this legislation?

Mr. ROOSEVELT. I am not on the committee, but my understanding is it is not mandatory and it does go through a regular procedure under the Procedures Act which would only allow it in certain circumstances where it was found necessary to do so.

Mr. GROSS. Yes, but the purpose of this bill is to put the UHF into operation, is it not?

Mr. ROOSEVELT. To a limited degree that is all right, if it does not prohibit certain types of sets where the public may have little opportunity or any need to use both.

Mr. GROSS. In order to do that, it would be incumbent upon the FCC to order the dual operation, would it not?

Mr. ROOSEVELT. That is not my understanding.

Mr. HARRIS. Primarily, what the gentleman from Iowa said is correct. In the rulemaking procedure, as an example, the Federal Communications Commission determines that closed-circuit television as a matter of fact should not come under this procedure, but of course under the rulemaking procedure that will be done. But primarily it is to require, if the Commission finds it in the public interest, that generally television receiving sets in the homes be able to get both UHF and VHF.

Mr. ROOSEVELT. In other words, what you are setting down is a general rule to which anybody who has reason to want an exception may apply for the exception.

Mr. HARRIS. What we are doing is setting up a congressional policy for the Commission to establish a general rule.

Mr. ROOSEVELT. I thank the gentleman.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am one of those who would like to see ultra high frequency stations in operation, but I cannot go along with this business of compelling people, the consumers of this country, the television audience, whether they can get any benefit out of it or not, to put up $30 or more in order to put UHF in operation.

Mr. ROGERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. ROGERS of Texas. They do not have to buy the set with this UHF on it, and they do not have to buy the converter. Let me say this.

Mr. GROSS. Just a moment. What exempts them from buying if the Commission issues an order? Let us assume that the Commission issues an order, under the provisions of this bill, saying that every set manufactured after a certain date and shipped in interstate commerce must be equipped for dual reception. What is the exemption?

Mr. ROGERS of Texas. It is not an exemption at all except those for sale or resale to be shipped in interstate commerce. You can buy any kind of a set you want and carry it any place you want in the United States. But, let me say this.

Mr. GROSS. Wait a minute now. You mean I can buy a set in Washington, D.C., if this law goes into effect, take it out to Waterloo, Iowa, and sell it there?

Mr. ROGERS of Texas. No, no, you cannot sell it out there. You can take it out there and put it in your home and use it; ship it in either a car or bus or anything else.

Mr. GROSS. That is lovely. That does not mean anything to me.

Mr. ROGERS of Texas. Let me say this further in regard to the VHF. Once this trend is started to provide this additional service the people who have VHF and do not want UHF will be able to buy VHF sets at a much lower price than they are paying now. So, it would be a gain.

Mr. GROSS. They will be able to buy sets such as they now have in the State in which they live if there happens to be a television manufacturing plant there. That is what makes this bill just as discriminatory as it can be. For the State without a TV manufacturing plant a purchaser would be compelled to spend at least $30 extra for a dual receiver.

Mr. ROGERS of Texas. Not necessarily.

Mr. GROSS. Oh, yes.

Mr. ROGERS of Texas. They can buy the set in Chicago and take it to Texas or California or Iowa if they want to, and use it.

Mr. GROSS. Yes, if for instance they want to drive from Amarillo, Tex., to Chicago and buy a set.

Mr. ROGERS of Texas. Oh, they would not have to do that at all. They could telephone the man and make a trade in Chicago and the man could ship it.

Mr. GROSS. But it has to be dually equipped if he ships it interstate.

Mr. ROGERS of Texas. Unless it is shipped for sale or resale. There is not anything unreasonable about it, and I know the gentleman from Iowa is not unreasonable.

Mr. GROSS. Wait a minute. I am not a lawyer, Philadelphia or otherwise, so I cannot very well argue with the gentleman in legalistic terms. But let me read this provision in the bill:

"(s) Have authority to require that apparatus designed to receive television pictures broadcast simultaneously with sound be capable of receiving all frequencies allocated by the Commission to television broadcasting when such apparatus is shipped in interstate commerce, or is imported from any foreign country into the United States, for sale or resale to the public."

That, to me, is clear.

Mr. ROGERS of Texas. Well, I am glad it is clear, because you can go to Baltimore and bring it back here in the back of your car and you would not be in violation of the law.

Mr. GROSS. Could a purchaser in Waterloo, Iowa, go to an appliance store, buy a television set and have it shipped without it being dually equipped at a cost of $30 or more?

Mr. ROGERS of Texas. If the set was made in this State?

Mr. GROSS. Yes.

Mr. ROGERS of Texas. No, no, no. It does not have to be manufactured here.

Mr. GROSS. Yes, according to the language in your bill.

Mr. ROGERS of Texas. Not unless it were shipped after the passage of this bill.

Mr. GROSS. Well, all right, we are assuming this bill will be passed. What else are we talking about?

Mr. ROGERS of Texas. Let me say this to the gentleman: If your television set wears out, your present VHF——

Mr. GROSS. Wait a minute. Just do not take all of my time. The gentleman has not convinced me of a blessed thing yet.

Mr. ROGERS of Texas. I thought the gentleman from Iowa was asking a question, and I was trying to help him.

Mr. GROSS. My friend from Texas volunteered his services.

Mr. ROGERS of Texas. Yes, I did, and I will say to the gentleman that I did because I know the gentleman wants to go down in history as helping the individual in this country.

Mr. GROSS. Yes, I would like to help some of the individuals in this country instead of helping individuals all over the world. I would prefer that, if that is what the gentleman means.

Mr. ROGERS of Texas. I thank the gentleman, and I agree with the gentleman on that. The VHF set would come down in price.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GROSS. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Chairman, as the gentleman from Illinois [Mr. COLLIER] said, this bill simply takes it out of the hides of the people who may never be able to get UHF reception in the State of Iowa, in the State of Texas, in the State of Montana, the State of Wyoming, and elsewhere.

Mr. ROGERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes.

Mr. ROGERS of Texas. One of the reasons that there are no UHF stations is because there are no UHF receivers. This is going to open up an entirely new vista of the business.

Mr. GROSS. Sure. You could build a UHF station in Amarillo, Tex., and not be able to hear it more than 15 miles from the center of town yet every purchaser of a new television set in Texas could have $30 added to the cost of his set.

Mr. ROGERS of Texas. Yes; but there is a great number of people who live around the center of town to whom it would render a great service.

Mr. GROSS. How about the fellow who is forced to spend an additional $30 for a television set, which fellow is located 30 miles out of town, and cannot see or hear the station's programs?

Mr. ROGERS of Texas. He has not been made to spend $30. He does not have to buy the set.

Mr. GROSS. Oh, yes; if that is the only TV station. Let me ask the gentleman from Texas a question: Why did not the gentleman and his committee come in with a bill some years ago when frequency modulation radio stations were being established all over the country compelling people to buy frequency modulation radio sets or converters?

Mr. ROGERS of Texas. If the gentleman will yield further, I do not think the gentleman from Texas was a Member of Congress at that time.

Mr. GROSS. There would have been many more radio stations in the country if that had been done. The gentleman could have stopped some of this sunrise to sunset radio station operation which always throws small radio station operations and their audiences out of gear, especially with the changeover to daylight saving time, and all of this funny business about time.

Mr. ROGERS of Texas. If the gentleman will yield further, we are working on that.

Mr. GROSS. Just as an aside, there are a lot of people who are never going to get that hour back which they lost last Sunday. They are going to be dead by next fall when the time goes back to normal.

Mr. ROGERS of Texas. If the gentleman will yield further, let me say this to the gentleman: I overslept this morning, and I am against it.

Mr. GROSS. So am I. But why did not the gentleman and his committee come in here with a bill to provide for frequency modulation radio sets?

Mr. ROGERS of Texas. Would the gentleman yield to the chairman of the Committee on Interstate and Foreign Commerce, the gentleman from Arkansas [Mr. HARRIS], in order to have him answer that question?

Mr. GROSS. Sure. I would like to have him answer that question.

Mr. Chairman, I yield back the balance of my time since it appears I am not likely to get an answer.

Mr. HARRIS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and amendments thereto conclude in 5 minutes, 2 minutes to be allotted to the gentleman from Illinois [Mr. MACK] and 3 minutes to myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. MACK] for 2 minutes.

Mr. MACK. Mr. Chairman, we are trying today to help the gentleman from Iowa and other Members of the Congress by providing better television service for the rural communities of our country. The gentleman from Iowa is able to receive VHF television service. This VHF television service travels roughly twice as far with the same power as the UHF service. Some time ago the Federal Communications Commission thought it would be in the public interest to inaugurate a program to which they referred as deintermixture. They started in a limited number of markets and recently decided to expand into eight additional markets. Their plan was, I think, to continue to expand until they replaced

all VHF service with UHF service. If this develops, if they are able to replace all of the VHF stations in the rural areas with UHF, our constituents will be left without any type of television service.

The effect will be to deny television service to many people living in the rural areas. I am not speaking just of the Far West. I am speaking of Illinois, Indiana, Ohio, Iowa, Kansas, and these other States. It would have the effect of denying television service to many of the people in the rural communities.

I regret that the Members were not present on the floor when my colleague from Illinois [Mr. SPRINGER] made his opening remarks, because I thought he did a very good job of explaining this very difficult and technical problem by putting it in simple language so that everyone could understand it.

There still seems to be some misunderstanding but if this bill is not passed the Commission plans to continue its policy of deintermixture which would result in inferior service or perhaps no service at all for some of our rural areas.

The CHAIRMAN. The Chair recognizes the gentleman from Arkansas [Mr. HARRIS].

Mr. HARRIS. Mr. Chairman, I hope the Members will not lose sight of the fact that there is an amendment before us. In my judgment it is far reaching and I hope the Members will carefully consider what would be done if this amendment is adopted. Very briefly, let me tell you what it would do.

Under the present procedure any one company or organization may own five VHF television stations and operate them and two UHF stations.

What the gentleman would do here would be to provide that the Commission may require that anyone who has a VHF station must also broadcast over a UHF station. Everyone knows that in order to obtain a license to operate a station you have to make an application and go through the procedure for the Commission to determine what is in the public interest. But here you would be turning over to the owner of this station this authority, make him take it. I cannot imagine such a procedure as that. Certainly in the same community where you have UHF and VHF, with the same company broadcasting; you might as well say turn over all of the radio stations and all of the newspapers and all of the television, UHF and VHF, to one man. That is how ridiculous this would be.

I do not think the membership of this House will consider favorably an amendment of this kind.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. YOUNGER] to the committee amendment.

The amendment to the committee amendment was rejected.

Mr. YOUNGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YOUNGER: Page 2, strike out line 9 and insert the following: "the public.

"(t) Have authority to make rules concerning the multiple ownership of broadcasting stations, including rules to authorize any person who has an authorization or authorizations to operate one or more commercial television broadcast stations on very high frequency channels (between 54 and 216 megacycles) to receive an authorization or authorizations to operate an equal or greater number of commercial television broadcast stations on ultrahigh frequency channels (between 470 and 890 megacycles); except that no such rule shall permit any person to receive an authorization to operate more than one commercial television broadcast station serving the same area."

Mr. YOUNGER. Mr. Chairman, this amendment has to do with networks, as we know them. It will give the Federal Communications Commission an opportunity to give to the networks additional U stations. They are limited now to five V's and two U's. This would give them an opportunity to own and operate additional U stations but not in the same market. If we are going to develop the U stations and the U broadcasting, I think this is at least a step in the right direction. It was drawn with the approval of the FCC legal division as to its legal phases.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. I yield to the gentleman from Arkansas.

Mr. HARRIS. I wonder if the gentleman has left the wrong impression. I know he did not intend to but I seem to get it, anyway. The gentleman did not mean to imply that the FCC would approve this amendment?

Mr. YOUNGER. No.

Mr. HARRIS. Let us say the FCC was called on for technical assistance and they responded to that request.

Mr. YOUNGER. That is correct.

Mr. HARRIS. And they did assist the gentleman in preparing the amendment.

Mr. YOUNGER. That is correct.

Mr. HARRIS. But in no way indicated they would approve.

Mr. YOUNGER. No, I had no intention of conveying the thought the FCC themselves would approve it because they have not had a meeting and they would not be able to approve it, anyway, but it was drawn and submitted to their legal staff.

Mr. SPRINGER. Mr. Chairman, I move to strike out the last word.

May I ask the gentleman from California a question? Will he expand on this a little further? I am not sure I understand the gentleman's amendment and I would like to know what he has in mind.

Mr. YOUNGER. In answer to the gentleman from Illinois, as the rules now exist as made by the FCC rulemaking, any person—and we refer today to the networks because that is what they are—may own five V stations and two U stations. So far as I know, they do not own any U stations, although under the rule they could own seven stations. This would give the FCC the right to permit a person to own additional U stations by the rulemaking process, but no two stations could be in the same market. For instance, one of the complaints of ABC was that they wanted to get into a certain market which they are now prohibited from getting into. This would give them a chance to get stations in other markets. It also opens up other stations for the other networks. If we are going to develop the U stations, I think it has to be in connection with network operation because the people now are trained to listen to network programs.

Mr. SPRINGER. All the gentleman's amendment does is make it permissive for the FCC under rulemaking to be able to grant five U stations instead of two?

Mr. YOUNGER. Yes, or more than that if they wanted to.

Mr. SPRINGER. More than five?

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Arkansas.

Mr. HARRIS. I am very much interested in the gentleman's amendment. As I indicated to the gentleman heretofore, I thought there was some merit to it. But when you analyze it, does it change the present law at all? Is it not true that the Federal Communications Commission today has authority under rulemaking procedures to determine the number of stations any one organization or company can have?

Mr. YOUNGER. That is true. That is my understanding, yes.

Mr. HARRIS. Then this does not change the authority of the Commission, but what it would do would be to establish congressional policy which would be a directive, you might say, to the Federal Communications Commission to permit any one company to operate as many as 10 stations instead of 7. Is not that true?

Mr. YOUNGER. That is correct.

Mr. HARRIS. As to the possibility of more stations, I do not know, but I told the gentleman earlier I personally can see how it might not be objectionable to me but on a policy statement I would have some question about it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARRIS. Mr. Chairman, I rise in opposition to the amendment. To continue what I was saying, there are two things that are important here and which I would want the membership of the House to take into consideration in passing judgment on this.

No. 1, there is a lot of opposition throughout the country against concentrating possibly too much power in one group or one company either network or any other organization which are not networks. Several networks and Westinghouse have their full quota and there are several others who have their quotas. That is the question the membership will have to consider. Another thing, I think we should be very careful about disturbing an affiliate of a network in a community. I do not think there would be any question but what some of the multistation operators who have affiliates might see a very lucrative market somewhere and go in and establish their own station instead of an affiliate station and the affiliate station would be put out of business. I can name you some communities in the country now that have suffered from that very policy. It has caused some suffering and a lot of pain among the people in those particular areas. I think that has to be considered.

Mr. YOUNGER. That would have to be done by rulemaking and the FCC would do it under the policy of the public interest.

Mr. HARRIS. Yes, except there is one thing which worries me a great deal. The law now gives the Commission that authority. If we adopt an amendment like this, even though it continues the authority, it is a congressional direction and it is congressional policy which in my judgment the Commission would have to follow.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. YOUNGER] to the committee amendment.

The amendment was rejected.

Mr. MACK. Mr. Chairman, I move to strike out the last word.

I take this time to ask the Chairman a question to clarify the situation with regard to channel 2 in Springfield, Ill. Mr. Chairman, it is my understanding that channel 2 at Springfield is still assigned to Springfield and that at the present time there is a rulemaking proceding underway which proposes to move it to St. Louis. I raise this question because channel 2 is operating in St. Louis and has been for 5 years. When the Federal Communications Commission came before our committee, they listed in the table of assignments channel 2 located at St. Louis. I believe in the course of the hearings we clarified this matter to show clearly that that assignment is still at Springfield. I wonder if the Chairman could comment on that.

Mr. HARRIS. If the gentleman will yield, the gentleman's statement is correct.

The Federal Communications Commission assigned channel 2 to Springfield, Ill. Under the rulemaking procedure that was started in 1956, I think—several years ago anyway—there was this deintermixture of that particular market. Channel 2 was proposed to be moved to St. Louis and the UHF station from St. Louis. I think the number of that channel was 26 or 36—I am not sure. It was to be moved to Springfield, Ill.

If the gentleman will recall, during the course of our hearings in 1938 investigating ex parte matters, it was determined that ex parte conditions did prevail, and the matter was appealed to the courts. It went all the way to the Supreme Court of the United States. The Supreme Court remanded the case to the circuit court of appeals and held they were ex parte proceedings and directed—I believe I am correct in this—directed that the circuit court of appeals mandate the Federal Communications Commission to take the matter up again and determine the extent of the ex parte proceedings and what the Commission should do in accordance with the supervision that was to be had by the circuit court of appeals. So the case is presently before the Federal Communications Commission for a determination to be made under supervision of the circuit court of appeals and under a mandate from the circuit court of appeals. Consequently, it has never been settled—that is, the issue has never been settled—and the gentleman is correct when he says that the assignment is still in Springfield, Ill., even though the station has been broadcasting in St. Louis, Mo.

Mr. MACK. I thank the gentleman for his explanation, because this is a very complicated situation and reference was made in the report to channel 2. So, as I understand the situation, the FCC is now considering, or has underway, rulemaking proceedings with regard to channel 2 similar to the rulemaking proceedings that are underway with regard to the other channels.

Mr. HARRIS. Yes; the matter has been referred by the Commission to an examiner. A former Federal judge in Pennsylvania, I believe—I do not remember his name at the moment—was designated to hear it. I think the hearings have been concluded. The Federal Communications Commission, however, has not yet made its decision on the matter, or reported to the circuit court of appeals in accordance with the mandate.

Mr. MACK. I want to thank the gentleman for the explanation, because there has been quite a bit of confusion concerning this case.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(By unanimous consent Mr. MACK was allowed to proceed for 2 additional minutes.)

Mr. MACK. I would like the record to show that back in 1949 a VHF channel was allocated to Springfield, Ill. In 1953 following the television freeze there were competitive hearings and as the Chairman has mentioned, in 1956 it became involved in the deintermixture proceedings and even as of today, some 13 years later, Springfield, Ill., is still being denied first-class television. They are operating only with a single UHF television station—the capital of the State—and I hope that the Federal Communications Commission will proceed with this matter at a very early date so that the people of Illinois can receive first-class television service.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have heard a good deal in the debate this afternoon about local television problems.

Is this designed to settle local TV problems by providing for the reshuffling of VHF licenses? What is this all about? Do you want people in the agricultural areas to pay $30 extra for a television set so the FCC can reshuffle its VHF licenses and then fill the gaps with UHF stations? I doubt that we are told the full story concerning this bill.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Missouri.

Mr. JONES of Missouri. There is not going to be anything in here to hurt the big television stations. Everything that has been done so far has been with their influence. They have controlled not only the television but the radio business. I am like the gentleman, I do not understand everything in this bill, but it smells fishy to me.

Mr. GROSS. I thank the gentleman for his observation and say that I agree with him.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 2. Part 1 of title III of the Communications Act of 1934 is amended by inserting at the end thereof a new section as follows:

"TRADING IN APPARATUS DESCRIBED IN SECTION 303(S)

"SEC. 330. No person shall trade or ship in interstate commerce, or import from any foreign country into the United States, for sale or resale to the public, apparatus described in paragraph (s) of section 303 unless it complies with minimum performance capabilities prescribed by the Commission pursuant to that paragraph: *Provided*, That this section shall not apply to carriers transporting such apparatus without trading in it."

With the following committee amendments:

On page 2, line 12, strike out "1" and insert "I".

On page 2, line 15, strike out "Trading In Apparatus Described in Section 303(S)", and insert in lieu thereof "Prohibition Against Shipment of Certain Television Receivers".

On page 2, line 18, insert "(a)" after "SEC. 330.".

On page 2, line 18, strike out "trade or".

On page 2, line 22, strike out "minimum performance capabilities" and insert "rules".

On page 2, line 23, insert "the authority granted by" after "pursuant to".

On page 2, line 25, strike out "it.'" and insert "it.".

On page 3, beginning with line 1, insert the following:

"(b) For the purposes of this section and section 303(s)—

"(1) The term 'interstate commerce' means (A) commerce between any State, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States and any place outside thereof which is within the United States, (B) commerce between points in the same State, the District of Columbia, the Commonwealth of Puerto Rico, or possession of the United States but through any place outside thereof, or (C) commerce wholly within the District of Columbia or any possession of the United States.

"(2) The term 'United States' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States, but does not include the Canal Zone."

The committee amendments were agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BASS of Tennessee, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8031) to amend the Communications Act of 1934 in order to give the Federal Communications Commission certain regulatory authority over television receiving apparatus, pursuant to House Resolution 608, he reported the bill back to the House with sundry

amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that in his opinion the ayes appeared to have it.

Mr. COLLIER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. In accordance with the unanimous consent request heretofore entered into, further proceedings on the bill will go over until tomorrow.

Does the gentleman from Illinois withdraw his point of no quorum?

Mr. COLLIER. I do, Mr. Speaker.

GENERAL LEAVE TO EXTEND

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made this afternoon and that all Members may have 5 legislative days in which to extend their remarks on the bill just passed and that the gentlewoman from South Carolina [Mrs. RILEY] may extend her remarks in the body of the RECORD during the consideration of H.R. 8031.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

FOREIGN AID LEGISLATION

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MORGAN. Mr. Speaker, the Committee on Foreign Affairs of the House has completed its hearings in connection with the President's foreign aid proposals for fiscal year 1963 and is proceeding with the markup of the bill.

As in past years, the Executive has prepared several volumes containing detailed information, some of which is classified by the Executive as secret or confidential, about the foreign aid programs which I want to make available to all of you in the Foreign Affairs Committee room, G–3 in the Capitol. These are essential tools in the consideration of the foreign aid legislation.

The Committee on Foreign Affairs regrets the fact that so much information is classified and wants to do everything it can to make information concerning the foreign aid program available to any Member of Congress who is willing to respect the security classification.

Although the committee might disagree with the Executive as to the need for classifying certain specific items, it is our belief that there are reasonable grounds for maintaining classification of much of this material. For one thing, it is essential to keep from the enemy specific information in the military assistance volume about the armed forces of our allies.

We must recognize also that it is advantageous to the committee and to Members of the Congress to have the benefit of frank statements from U.S. officials about the officers and operations of foreign governments. Such frank statements of opinion cannot be made available except when classified.

There appears also to be justification for keeping confidential the specific country programs until legislative action has been completed and actual amounts are known, thus avoiding disappointment and ill will on the part of the recipients.

I believe knowledge of the information in these volumes is important to the consideration of the proposed amendments to the Foreign Assistance Act of 1962 and urge the Members to come to room G–3 of the Capitol where they will be available for examination. The volumes will also be available later at the committee table during the floor debate on the foreign aid bill.

AREA REDEVELOPMENT ADMINISTRATION

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, our colleague, the Honorable WRIGHT PATMAN, who acted as floor sponsor for the bill creating the Area Redevelopment Administration, is unable to be here today, but has brought to my attention the fact that today marks the anniversary of the establishment of the Area Redevelopment Administration.

I, therefore, Mr. Speaker, in recognition of this outstanding piece of legislation, marking the tremendous development which it has initiated, ask unanimous consent that the remarks of the Honorable WRIGHT PATMAN be inserted at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PATMAN. Mr. Speaker, the Area Redevelopment Administration marks its first anniversary today. Although it was established a year ago, it did not receive its appropriations from the Congress until September 30, 1961, so, in effect, it has been operating only 7 months.

The program is designed to help revitalize the economies of areas plagued by substantial unemployment or underemployment, or by low farm or family income. A total of 148 urban-industrial areas, 735 rural and small labor markets, and 50 Indian reservations are eligible at present to take part in the program. These areas have a population of 34.7 million people and a labor force of 13.2 million, of whom the equivalent of more than 1.4 million are unemployed. In other words, these areas have 19 percent of the Nation's population and 19 percent of the labor force—but they have 31 percent of the unemployment in the United States.

Average unemployment in the redevelopment areas is in excess of 10 percent, as against 5.5 percent nationally, and some of these areas have joblessness running as high as 20 or 30 percent. In the underemployment areas, the median family income is less than $1,560, and the median farm family income is less than $1,170.

The basis on which the area redevelopment program is built is local initiative. Before the Federal Government can help the redevelopment areas help themselves, representative local groups must plan long-range economic programs to avoid any hit-or-miss approach to the economic problems. In the first year, locally conceived economic plans have been submitted by 535 areas and 22 Indian reservations—more than 60 percent of all of the areas designated. Of these, ARA has approved plans from 431 areas and 12 Indian reservations.

A total of 40 financial assistance projects have been approved, involving an investment of $10.8 million in Federal funds to help create an estimated 10,716 direct new jobs in industry, and 7,500 indirect jobs in trades and services. Out of this total Federal investment, $8.2 million is in the form of loans which will be repaid to the Treasury, with interest. The Federal investment stimulated additional local private and public investment of $26.7 million in these same projects.

Behind these approved projects are many more in the pipeline. An additional 202 financial assistance projects, involving $94 million in Federal funds, 37,000 direct new jobs and an estimated 26,000 indirect jobs, currently are being processed, and an additional 488 promising projects currently are being developed at the community level. In addition, 533 job creating projects on which ARA assisted communities have been referred to other Federal agencies to be handled under existing programs.

A total of 33 technical assistance projects have been approved, involving $758,650 to finance research studies by universities, private firms, and Government agencies to help break bottlenecks which have impeded economic progress.

A total of 89 retraining projects have been approved, involving $4.6 million to help 7,666 worker-trainees acquire new skills in growing occupations.

By the end of fiscal 1962, ARA expects to have approved financial assistance projects that will create an estimated 30,000 direct new jobs and 21,000 indirect jobs, and to have programs approved to retrain 15,000 unemployed workers.

This will provide a start toward solving a major domestic problem. To bring unemployment down to a 4-percent level in the areas designated as eligible because of substantial and persistent unemployment will require the creation of 660,000 direct and indirect new jobs; to make up the underemployment deficiency in the other designated areas will require an estimated additional 300,000 direct and indirect jobs.

This can be accomplished, given a continuance of the partnership of private enterprise, the communities, the States, and the Federal Government that has existed in the first year of the Area Redevelopment Administration.

My own district has shown great interest in the ARA program. A number of proposals have been filed. Indications are that more will be forthcoming in the near future. Two cities, Clarksville and Detroit, have already received a $474,000 public facility loan and grant.

While much remains to be done, it is clear that in only 7 short months ARA has already accomplished a great deal.

America is undergoing a population shift of major proportions. People in great numbers are moving from the countryside and our towns and smaller cities to urban areas. Yet if our Nation is to remain strong and free, it is of vital importance that the local economies of our smaller population areas remain healthy. It is of equal importance that areas of economic blight be helped to help themselves. We cannot have two national economies—one rich and one poor. The ARA program helps all areas of our country, directly or indirectly.

This kind of imaginative attack upon our Nation's economic problems holds high promise for the future. I have every confidence that excellent as the Area Redevelopment Administration record has been, that it is only a prolog to greater accomplishments in the months ahead.

BRIDGING THE GAP BETWEEN BASIC RESEARCH AND EDUCATIONAL PRACTICE

Mr. KING of Utah. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. KING of Utah. Mr. Speaker, short of another war which all of us pray the world can avoid, the struggle between the free world and the Communist world could be decided in the classroom. Today, more than ever before, education is our key to survival.

My interest in the improvement of American education compels me to draw the attention of the Congress and the Nation to an article by a team of University of Utah scholars which appeared in the January issue of the NEA Journal. It deals with one of the very serious problems which we face in achieving a goal of continuing improvement in education, which is the problem of putting the findings of educational research into classroom practice. Every American concerned about our progress in education should read this article, "Bridging the Gap," which follows:

BRIDGING THE GAP BETWEEN BASIC RESEARCH AND EDUCATIONAL PRACTICE

(By Calvin W. Taylor, professor of psychology; Brewster Ghiselin, professor of English; and John A. Wolfer, research assistant, Department of Psychology, University of Utah, Salt Lake City)

Today, there is scanty assurance that the many basic research findings with potential relevance to education will quickly—or ever—be applied in determining what happens in the classroom. Yet a great and immediate need exists for speedy action to close the gap between what is known through research and what is applied in educational practice.

This conclusion, by no means new, was freshly impressed upon us during a recent 2½-year research project supported by the U.S. Office of Education. Our research (soon to be reported under the title "Development of a Theory of Education From Psychological and Other Research Findings") was aimed at increasing the use of scientific methods and, especially, of unrecognized implications in scientific findings, to improve educational practice.

As the project progressed, we found that there is already much basic research in the behavioral and social sciences with potential educational value. We found, however, that nearly all such materials require a great deal of development through extension of fundamental insights, fresh applications of principles, and specific adaptations of procedures, before they can be put to use in the schools.

There is little precedent for such developmental programs in the educational fields, but fortunately there are interesting precedents in other fields. In the physical sciences, the development (D) effort is usually several times as large as the research (R) effort. In fact, in the total R. & D. program in the Nation, several billions of dollars are being spent annually for D activities (mainly in the physical, biological, and military sciences) in order to obtain rapidly the full fruits from the R activities. If educators would study the ratio of research to developmental activities, both in fundsand in human effort, in various fields such as engineering, agriculture, medicine, and the military, we believe they would get an idea of what ratio might be needed in education.

They might also be shocked to see how comparatively little has been done to make relevant research findings useful for education.

The difficulty and importance of the developmental problem—the problem of making research findings bear upon practice—may be seen in the way ideas of creativity have come to affect our thinking about education. But it will take great time and effort to shape into a form usable by teachers even a few of the most fundamental insights in the field of creativity. Only recently have tests of creativity, when adapted to use in the schoolroom and applied there in exploratory studies, revealed that a shocking misevaluation of giftedness has occurred in the schools through excessive dependence upon the IQ as the sole measure of superior ability. Now tests are being constructed that will reveal several other important kinds of giftedness. But the work of perfecting all of these tests and putting them to wide use remains to be accomplished. Likewise, great efforts will be needed to develop intelligent approaches for cultivating all these kinds of giftedness in the classroom.

To make up for lost time, tremendous developmental effort is required—effort, that is, to bring relevant research to bear on educational practice. This effort must go beyond the presentation of more research findings before discussion groups in education. The crux of the task is to get the research findings out of the basic research laboratories, off the library shelves, beyond the discussion stage, and into suitable shape for practical use.

At present, it would be almost impossible to spell out the needed developmental activities in education. They have yet to be determined, and a few persons are prepared to do this special type of "engineering" work for education. The work might be stimulated and guided, however, by a study of effective research and developmental procedures in the field of agriculture, as well as in the physical sciences and in the large military research and development programs, where too much lag in applying the findings of research could be suicidal.

For example, the military, in its developmental activities pertaining to equipment, begins with consideration of basic research findings. Feasibility studies follow. Practical application of insights is achieved through a series of projects, comprising engineering design, construction and study of mockups and prototypes, testing for soundness in engineering at all stages from design to final assembly, overall testing of the total equipment, consideration of the product for approval and adoption, planning and actuation of quantity production, installation of the items produced, and their integration into the military operations and organizations.

In the field of agriculture, likewise, basic research findings are utilized fully and systematically. Great changes in agricultural practices and in production of foods have occurred during the last few decades, mainly because farmers have utilized scientific findings. In the last century or so, the proportion of our population engaged in food production has been reduced from 85 percent to approximately 10 percent. Yet the 10 percent are now producing in abundance for the rest of the Nation.

Such agriculturists as Daniel G. Aldrich, Jr., university dean of agriculture, University of California, point to the very short lag between the emergence of basic research findings and their application in farming. The main reason for this efficient implementation, Dr. Aldrich explains, is an effective organization of persons with the special skills and responsibilities needed to bridge the gap between basic research findings and agricultural practice.

Their procedure is systematized in the following steps: Identifying basic research findings with implications for agriculture; doing the applied research and developmental studies necessary to turn these findings into something understandable and manageable in use; rejecting the unmanageable; setting up numerous well-designed demonstration studies to teach and to persuade the farmers of the merits of new methods, materials, or apparatus; and otherwise assisting the farmers in adopting more profitable practices.

Agriculture has produced large numbers of specially trained persons to perform these bridging functions, and the researchers who pioneered the bridging activities have thereby been freed to resume their research.

The first link between researcher and farmer is the technical specialist. Each must be expert in one of the many aspects of agriculture, completely trained to function successfully as a researcher, yet willing to engage full time in applied research and development activities. These technical experts act as middlemen between the basic researchers in their specialty and the county agents, who are the second link in the sys-

tem. They constitute an "extension arm" put forth from the basic research centers toward the agricultural producers. Their task is to translate research findings into a form that will be generally understandable and manageable in practical demonstrations and use.

The county agents (who are three or four times as numerous as the technical specialists) are generalists in applied agricultural research. They depend upon the technical specialists to keep them informed in all fields and are capable of making demonstration studies and performing other services for the local farmers.

More and more farmers have learned the value of these developmental efforts and are eager to obtain the benefits of new research findings as soon as possible. The remarkably short time lag in applying new insights of research to agricultural practice can be attributed to two things: First, the efficiency of the numerous specially trained personnel who form a link between the researchers and the farmers and second, the receptiveness of the farmers themselves.

Education needs a similar setup to bridge the gap between the basic researchers in the behavioral and social sciences and the various educational practitioners. A first step would be to determine the kinds of bridging activities needed, and since activities of this sort are largely unknown in education, they would have to be determined by research.

Then specialists would have to be recruited and trained for specific professional roles.

A large corps of "educational engineers" could be employed to sift the findings of research, to test for relevance and feasibility, and to adapt for use. Presumably, other specially trained persons would introduce demonstration studies in an actual educational setting. If these stages of development proved satisfactory, the final step would be the difficult task of fitting the new features into existing (and crowded) educational programs.

Educators would need to be assured that, as in agriculture, local autonomy would be preserved, including freedom to pursue their own developmental activities. Every school system would have the right to accept or reject any results presented in demonstration studies, depending on whether or not they fitted in with their particular educational objectives.

Since new research ideas and findings are best known to the researcher, he is the most likely one to initiate bridging activities. Some researchers would have to sacrifice part of their basic research time in order to pioneer the developmental work needed to shape up their findings in various ways to make them manageable for practical operation.

Success in translating research findings promptly into educational practice would require cooperation on the part of educators as well as researchers. Experience has shown that wherever incorporation of research findings into education is extremely slow or lacking, both groups tend to become disturbed.

Researchers may be temporarily happy as their findings get into the discussion groups but become frustrated when they learn that concrete changes do not emerge as an outcome of the discussions. Teachers and administrators can justifiably say on their own behalf that the relevant research literature is often nearly incomprehensible and that the fruits of research are not presented in manageable form. Nevertheless, if they are accused of not utilizing available research findings, they tend to feel guilty, even though they are already swamped by their regular responsibilities and obvious lack the time, as well as the necessary training, needed for translating complex research findings into useful form. In order to increase that imaginative thinking about fresh educational approaches that might be required for utilizing new research findings, administrators would need to be relieved of some of their load and perhaps even freed for a time from their daily work situations in which the forces of traditional modes of organization are embodied.

Considering the force of current pressures on individual educators and the great decentralization of educational programs, it is understandable that educational research and development units have not rapidly emerged. When vigorous programs begin functioning in education to bridge the gap between researchers and practitioners, the feelings of frustration and guilt should vanish.

The utilization of research in education is full of challenges. Two things are equally needed: an increase in basic research and a marked decrease in the time required to apply this research in educational practice. If education catches up by putting to use all relevant research findings, then more and better basic research will probably be demanded by educators. Ideally, it should be possible for a school system to overhaul educational programs periodically in order to produce an up-to-date model based on all completed relevant research and developmental work.

The need for developmental work relating research to practice in education has been recognized and stated more than once before. But with a few exceptions, this recognition has never progressed beyond the fashionable discussion stage to tangible and sustained action. Until firm decisions are made to correct this deficiency—and correction will require the cooperative and integrated efforts of colleges of education, State departments of education, and school districts—major progress through basic research and development will not occur in education.

The future may belong to the nation or nations that build effective R. & D. programs in education which will lead to rapid identification and cultivation of all of their vital human resources.

AREA REDEVELOPMENT

Mr. WALTER. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FLOOD] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FLOOD. Mr. Speaker, today is a very significant day, for it marks the first anniversary of the signing by President Kennedy of the Area Redevelopment Act of 1961.

I am pleased at the progress that ARA has made in its first year of operation under the direction of a fellow Pennsylvanian, the Honorable William L. Batt, Jr. This new agency, starting from scratch, has built the nucleus of a competent staff, has stimulated local initiative, has helped private industry with its plans for establishing new operations or expanding in redevelopment areas, and has launched job retraining programs for unemployed workers to supply them with new skills so that they can find jobs.

This is a healthy beginning, for it demonstrates what can be done when private enterprise, community leaders, State governments, and the Federal Government join hands to tackle a problem that has plagued our country for several decades.

A look at the record of what this partnership has been able to accomplish should convince even the most cynical that the Area Redevelopment Act provides a workable solution to the problems of unemployment and underemployment:

Forty financial assistance projects have been approved.

These have resulted in an investment of $10.8 million in Federal funds—of which $8.2 million is in repayable loans—plus $26.7 million in local private and public investment. These projects will help create 10,716 direct new jobs in industry, and an estimated 7,500 indirect jobs in supporting industries, trades, and services. This is just the beginning, for another 202 financial assistance projects, involving $94 million in Federal funds are currently being processed. These should help create 37,000 direct new jobs and an estimated 26,000 indirect jobs.

Thirty-three technical assistance projects have been approved. Through these projects, ARA has invested $758,650 to help communities have studies made by universities, private firms, and Government agencies to develop some long-range answers to their longstanding problems.

Eighty-nine retraining projects have been approved, and ARA has invested $4.6 million in both tuition and subsistence allowances for the 7,666 jobless workers taking courses. The experiences that the Government has gained under this part of the program will be of tremendous assistance in putting the new Manpower Retraining Act of 1962 into operation.

As I have said, this is a good start. But a lot more must be done—not only under the Area Redevelopment Act but also with new legislation, including the Standby Capital Improvements Act which contains provisions for $600 million in immediate capital improvements assistance to the redevelopment areas and to the areas which have experienced substantial unemployment for more than a year.

The necessity for this supplementary assistance, to help make these areas better places in which to live, to work, and to invest, is evident when you look at the statistics: 148 urban-industrial areas, 735 rural and small labor markets, and 50 Indian reservations all eligible for the ARA program—areas with a population of 34.7 million—19 percent of the Nation's total—a labor force of 13.2 million—19 percent of the total—and the equivalent of more than 1.4 million unemployed—a staggering 31 percent of the total joblessness in the United States.

Capital improvements, plus the area redevelopment program, plus continued local initiative, investment, and planning, will add up to an economically healthier America.

MEDICAL CARE FOR SENIOR CITIZENS

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DULSKI. Mr. Speaker, on March 1, 1962, I addressed the House for 1 minute on the subject of social security medical care for Mr. and Mrs. Senior Citizen.

It has been brought to my attention that part of my statement was omitted in the CONGRESSIONAL RECORD. I would, therefore, like permission at this time to again include it so that the complete text of my statement will appear in the RECORD.

Mr. Speaker, as we enter the second session of the 87th Congress, I want to once again focus attention on the urgent need for medical care for our senior citizens. This is a domestic issue which we can no longer ignore, and we cannot delay legislation which will provide hospitalization and medical benefits for over 14 million of our Nation's elderly population.

Last year I introduced a bill which would provide these benefits through the social security mechanism. This was known as the "Forand bill" in the previous Congress. Other proposals have been introduced which would provide benefits along these lines—on a broader or lesser scale.

Coming at a time when earnings and income are sharply reduced, the rate of illness and medical expenses for the aged is much greater than for the rest of the population. Since they are poorer risks, the aged cannot secure the same level of health benefits for the same price as the younger age group. In our State of New York, only about 35 percent of those 65 or over have hospitalization insurance. As a consequence, a large proportion of these older people without financial resources must rely upon care provided by public agencies, charities, or relatives. And many do not seek the care they need because of the costs involved, and others go into debt.

The pitifully inadequate benefits, now provided by our Federal Government in matching funds with States, through the Kerr-Mills Act enacted in the 86th Congress, should be supplemented by legislation of the type I have introduced. Estimates of the cost of such a program have been placed at $1,050,000 during the first year of operation—all of which would be covered by the tax increase. This would provide medical benefits for 14¼ million elderly out of an aged population of 16¾ million.

My proposal, admittedly, will not entirely solve the medical problems encountered by Mr. and Mrs. Senior Citizen. It is not designed to achieve this purpose. But it is a measure of security that will guard against total financial disaster resulting from medical misfortunes beyond the control of individuals.

Our great Nation can ill afford to continue ignoring the plight of our elderly. This Congress must act, and I urge our Committee on Ways and Means to give this legislation speedy consideration.

CASTRO'S INDEMNITY DEMAND

Mr. CRAMER. Mr. Speaker, I have been deeply disturbed, and so expresssed myself prior to the Easter recess period, with the proposal for paying $62 million ransom or indemnity for Cuban prisoners, a new demand for indemnity on the part of Cuba's Communist Fidel Castro. I introduced House Concurrent Resolution 459 for the purpose of expressing the sense of the House in opposition to this new indemnity demand, which is being condoned and participated in by the Kennedy administration. There is no question about that. I have learned since the introduction of this resolution that as far back as early December, December 6, 1961, the Internal Revenue Service issued a preliminary regulation to the effect that contributions to the Cuban Families Committee would be tax deductible—as far back as December 1961, even before the demand was made by Fidel Castro for the money.

Now, I thought the tractors-for-prisoners deal was so bad that I introduced a resolution opposing it last year. That proposal was finally ditched. Apparently, the administration feels it necessary to try to do something to counteract making one bad mistake for not providing air coverage for the invaders, which it was decided was essential, by making a second and equally bad mistake by giving in to the demand by an enemy government, a Communist government, for indemnity. I do not think we should condone this one bad mistake with another equally bad mistake. There is no question but what the administration is doing exactly that.

I call this to your attention. It was in April of last year that the tractor deal was proposed, and it was over the weekend—the demand being made on Saturday—it was over the weekend that the American tractors-for-prisoners committee was appointed, and it was functioning by Monday. Now, look at the parallel of this situation. The demand was made on Saturday, reported in the press on Sunday, and the negotiators, the Cuban exile negotiators, were in Havana, had gotten their visas—which over the weekend is usually impossible—had gotten these visas by Monday, and were in Havana to negotiate this $62 million deal.

This is worse than the other tractor indemnity deal for the reason that he does not want tractors now; he wants American dollars, and he is demanding them. He wants four times as much money this time. He wants it in cash, all of which he can use to pay off his obligation to Communist countries for the purchase of war material or any other purpose for which he sees fit to spend it.

Now, Senator BYRD last fall, when the proposal by the administration was made that the contributions for tractors to the tractors-for-prisoners committee be tax deductible, stated to the executive branch that to do so would require an act of Congress. Certainly the same would be true in this instance.

The last time the issue was raised, and properly so, with Americans being the head of this committee for tractors—now the Cuban exiles head the committee—it was stated that it was a violation of the Logan Act, which prevents American citizens from negotiating with an enemy country.

Now, Mr. Speaker, in a clever way to get around that—and it is obviously for that purpose—the Cuban exiles are the ones collecting the money and have just recently announced the hiring of a high-powered fund-collecting agency in New York City for the purpose of raising money from American taxpayers which I estimate will result in about $30 million being paid by the Government in the form of lost revenue, the amount of money contributed being tax deductible under the December regulation.

Mr. Speaker, the Logan Act was in my opinion being violated then. Now, in order to get around this the administration is now letting the Cuban aliens or refugees negotiate—aliens in this country are being permitted to negotiate—with an enemy government which the President of the United States himself declared to be an enemy government under the Trading with the Enemy Act in very recent weeks. He invoked, upon my request, the Trading With the Enemy Act in order to prevent third countries such as the Canary Islands from shipping into this country cigars made of Cuban tobacco which would have circumvented the embargo previously placed into effect.

I say it is equally wrong to permit alien refugees to supply $62 million to Castro and I trust that my resolution will be acted upon favorably by the Foreign Affairs Committee particularly to cut off tax deductibility of contributions and to state the sense of Congress that this ransom and indemnity deal is against our best interests.

Mr. Speaker, as a Member of the Congress from the State of Florida, I have been rightfully outraged by the demand by Fidel Castro that an indemnity of $62 million be paid him for the release of somewhat more than 1,100 prisoners, all of whom participated in the ill-fated Bay of Pigs invasion of last year.

Accordingly, I have introduced House Concurrent Resolution 459, in which is expressed the sense of Congress that it is opposed to this blackmail proposal and to any plans of the Federal Government to afford tax relief, in any measure or way, to this scheme, either to an organization or contributors to the relief fund.

Not too surprisingly, my opposition to this blackmail has generated a great deal of interest, which I intend to bring to the attention of the administration and the Congress from time to time, and I am pleased to insert newspaper articles that include a Miami News story entitled, "Cuba Trying To Bait United States"; an editorial and news story

from the April 20–22 issue of the Times, of Havana; an editorial from a recent issue of the Chicago Daily Tribune; an April 18 editorial from the Fort Lauderdale Sun-Sentinel; a news story from the Washington Post of April 12; and a UPI story describing Castro's desperation for money.

[From the Miami News]

CUBA TRYING TO BAIT UNITED STATES

(By Hal Hendrix)

Fidel Castro's Communist dictatorship continues to move carefully in its bid to gain acceptance in the hemisphere through "peaceful coexistence."

Several skillfully dressed pieces of bait for this kind of a prize catch have been tossed out in recent days. All can be linked to a well-planned maneuver toward some sort of reconciliation with the United States.

While there may be an occasional surface bubble to indicate that the maneuvering might be succeeding, it isn't in the cards for the bait to be swallowed.

Nevertheless, the Castro regime is ingenious in its bait-dangling activities and comments. While the schizophrenic Castro plays a role of an understanding and generous leader in surrendering 60 ill and wounded prisoners of the Cuban invasion last year, his Red cohorts are busily spreading a line of cooperation with the United States.

Current comments by Foreign Minister Raul Roa, whose harangues against the United States in the United Nations have been unprecedented, and Carlos Rafael Rodriguez, head of Cuba's National Agrarian Reform Institute and a key Communist strategist, offer examples of the new line.

Rafael Rodriguez now states that Cuba "will arrange for indemnification of seized U.S. property" if the United States "starts buying our sugar again." Castro has stolen about a billion dollars worth of U.S. property in Cuba.

"Just the other day," Rafael Rodriguez is quoted in an interview in Havana, "Castro, Dorticos (President Osvaldo Dorticos) and I discussed arrangements to pay the United States for intervened properties, provided we first settle political differences and provided Washington buys 3 million tons of our sugar."

It wasn't too long ago that Castro and all the top Communists in Cuba were boasting that they didn't have to sell sugar to the United States, because the Soviet Union could buy it all. They said sales to the United States only enslaved Cuba.

Roa, about the same time that the ill and wounded invasion prisoners were being released, asserted in cordial tones that Cuba was willing to negotiate with the United States.

DOUBLECROSS

"The United States is at war with Cuba and its people, but Cuba is not at war with the United States," the normally screeching Foreign Minister declared. "Cuba has no differences with the United States. We have always said we are ready to negotiate, and we will do so at a moment's notice, on a basis of absolute equality and sovereignty of both countries, without conditions from either side."

All this is about as logical as 365 consecutive sunless days in Miami. The Cuban Communists are fighting desperately for time now.

[From the Times of Havana, Americas Edition, Apr. 20–22, 1962]

WITH 99.9 PERCENT STILL IN CUBAN JAILS, WILL PRISONER SWAP DEAL ADD TO EXILE PROBLEMS?—MIAMI CUBAN COLONY RECALLS THAT 50,000 ARE STILL JAILED

The prisoner exchange is headed for rough weather. Signs are apparent even now. Indications are that the signs will become more evident every day.

Even now the backlash has started from the release of the 60 Bay of Pigs invaders. This represents only 5 percent of last year's invaders. And it is less than one-tenth of 1 percent of the Cubans who are now in jail for opposing the increasingly sullen dictatorship.

About 20,000 Cuban exiles greeted the 60 wounded and disabled prisoners when they landed last Saturday morning at Miami International Airport. And thousands attended the masses commemorating the first anniversary of the April 17 invasion.

But there has been a surprising lack of spontaneous pleasure. And a large part of the airport gathering could well have been the curious, as well as relatives of thousands of other prisoners still in Cuba. The reason for restraining is obvious. Many fear the effect that added financial support will mean to Castro. They resent the good will Castro gets for permitting himself to be cajoled into accepting blackmail.

A sample of feeling is evident at the Cuban Refugee Center in downtown Miami. Everyone honors the young men, but there is little talk about them. And several of them, even after being identified, went unnoticed in a downtown department store.

For many Cubans the storm signs are up. Some exile leaders see the beginnings of new splinter groups in the offing. There is no evidence that the money can be collected, and the travel junket of four crippled young Cubans is looked upon as a useless gesture. Some of the former prisoners have stated that they will go back to Cuba unless their comrades are speedily released.

And the death of guerrilla leader Osvaldo Ramirez, who spent 3 years of attacking Castro from within, adds resentment from some Cubans who are getting fed up with the prisoner exchange. They state that the group backing the effort never did have the backing of the bulk of the refugees. And they look upon the present developments as simply the breeding place for new dissension in their own ranks.

[From the Times of Havana, Americas Edition, Apr. 20–22, 1962]

THE TIMES MAKES ITS POSITION KNOWN

(By Clarence W. Moore, publisher)

On its editorial page last week the Times discussed the negative side of the prisoner exchange. It was stated that the United States, for obvious and understandable reasons, feels that it has no moral right to speak. But Cubans do have the right to speak. They should rise in unity to condemn freedom for a few which will mean longer imprisonment for 50,000 of their countrymen.

With the threat of death behind them, these men are not unique. Their sacrifice is matched by thousands of others who lie deserted in the jails of Cuba. They can be asked to accept the sacrifice of further imprisonment, rather than to be ransomed through the payment of money that will feed the evil they set out to kill. Thus the Times comes to these conclusions:

1. The U.S. press has magnified the prisoner exchange out of proportion to its importance because it makes good copy.

2. The result has been that the true issues are being forgotten, in the emotional outpouring attendant upon the fortunate ransoming of five dozen invaders.

3. The issue is to free Cuba of communism. This cannot be done by sending cash to Castro while he holds 50,000 prisoners in jail.

4. At all events, the chances of collecting $62 million simply do not exist. They are more remote than the collection for tractors several months ago. Thus, the whole affair is a snare and a delusion that can only lead to despair and bickering.

5. There should be public recognition of the fact that the group which concentrates only on the release of the Bay of Pigs prisoners does not have the complete backing of the Cuban exiles.

6. Therefore, all responsible Cuban groups should get back to the single goal which is the expulsion of communism from Cuba, and they should strive for unity looking toward that goal.

[From the Chicago Daily Tribune]

CUBA'S THUG

Fidel Castro is prepared to sell mercy for money, now that his puppet court has done the expected and convicted all 1,179 of the prisoners taken in last year's abortive invasion. The Cuban dictator says he will trade the prisoners, sentenced to 30 years at hard labor, for cash payments ranging from $25,000 to $500,000 each, depending upon their individual importance. The price for all is placed at $62 million.

The prisoners-for-dollars offer is a new and nastier chapter in a revolting story, but one which took in some Americans in high places.

Hard on the heels of the invasion, Castro suggested trading captives for farm tractors, an estimated $2 million worth. President Kennedy gave an unofficial blessing to a fund drive and Eleanor Roosevelt and Walter Reuther, another eminent humanitarian, became workers in the cause. Americans throughout the Nation were invited to give. But the scheme fell apart when Castro raised his price and demanded $17 million worth of bulldozers and heavy tractors as the cost of freedom.

Castro's latest gambit should, but probably will not, put an end to the arguments put forth by fair-play-for-Cuba followers and other dunces of Red sympathizers. Such people, month after month, have watched the dictator curtail freedoms, kill off honest newspapers, and transform Cuba into a Communist state (complete with food shortages) without a pause in paeans.

But, whether they like it or not, Castro has deepened his status as a criminal. He has placed himself near the level of the condemned Nazi, Adolf Eichmann, with his wartime offer to trade a million Jews for 10,000 trucks—"A hundred lives for a truck; that's cheap."

[From the Fort Lauderdale (Fla.) Sun-Sentinel, Apr. 18, 1962]

IS RECOGNITION NEARING FOR RED CUBA'S EXTORTER?

(By Harvey A. Call)

One of our faithful readers called several weeks back to place on the record a forecast.

"The United States will backtrack and formally recognize Cuba," he declared.

Bolstering that, he pointed out that this country has no qualms about its relations with Russia and numerous Communist satellites.

Further, he cited the efforts of some in our foreign policy ranks to bring about the admission of Red China to the U.N.

As the forecaster had been sound on numerous other analyses, we did not downgrade his view.

Now, Congressman WILLIAM C. CRAMER, of Pinellas County, underlines some facts which point in the direction of the forecast.

Mr. CRAMER is incensed over Fidel Castro's price tag on the Bay of Pigs prisoners. He is outraged by the open and flagrant attempt to blackmail the United States, demanding tribute and ransom in the amount of $62 million.

The Pinellas Congressman raises the question of whether our Logan, Trading With the Enemy, and Alien Anti-Sedition Acts bar five

Cuban negotiators from dealing direct with Cuba rather than going through authorized Government channels.

Mr. CRAMER contends the issuance of visas to the negotiators amounts to U.S. approval of their ransom mission. That being so, he admits there may be no trading-with-the-enemy restraints as far as being unauthorized.

In any event, we do have a tacit approval for direct dealings between negotiators from this country and Cuba.

From that, it is not such a long step toward formal negotiations at the State Department level.

The fact is that we have a confused, indefinite situation, clouded in part by our own actions or that of our Government.

Mr. CRAMER feels it is highly inconsistent for the United States to break off diplomatic relations, impose a trade embargo, and then condone what amounts to under the table dealing with a country that has done all in its power to insult our Nation.

He adds it is the President's responsibility to handle foreign affairs. CRAMER adds that "if the President feels a responsibility for the plight of these prisoners whom he left stranded on the beaches of the Bay of Pigs by his bungling withdrawal of air cover and other strategic and logistic support, then he ought to have the courage to say so publicly and ask the Congress to appropriate funds for this obligation of indemnification."

The Pinellas Congressman condemns the President's action of "denouncing this blackmail publicly and then privately giving it encouragement and the sanction of our Government."

Most will agree that it is difficult to understand our position. On one hand, we cut off trade with Cuba as a means of keeping American dollars from being used to arm a Communist force threatening us.

Then, we appear perfectly willing to permit $62 million of blackmail money to be sent in there and used for exactly the same purpose.

Mr. CRAMER's position is that the deal should be condemned by resolution of Congress. He cites that "this Nation, as a leading nation of the free nations of the world, would be kowtowing to the demands of a Communist dictator, as handed down by his kangaroo court and thus giving recognition to the court itself and indirect recognition of Castro's Communist government."

And that is about what the deal amounts to—an implied recognition of Castro's government. So, we are closer to backtracking on the Cuban issue than many would believe.

[From the Washington Post, Apr. 12, 1962]

KENNEDY RAPS CASTRO OFFER TO SELL INVASION PRISONERS

(By Murray Marder)

President Kennedy yesterday deplored Cuban Premier Fidel Castro's attempt to sell the freedom of 1,179 invasion prisoners, and said the U.S. Government could never enter such bidding.

The President said at his news conference:

"All of us had hoped that the day when men were put on the block had long ago passed from this hemisphere."

Mr. Kennedy said he thinks Castro is aware that the U.S. Government cannot engage in a negotiation like that, and he knows very well that the families cannot raise these millions of dollars."

The President clearly was distinguishing between U.S. action to pay ransom for the prisoners seized in the abortive invasion attempt last April, and private action to reunite prisoners with their families in this country. Cuba has put a total ransom price of $62 million on the prisoners, in amounts varying from $25,000 to $500,000 a man.

By setting this kind of price, said the President, Castro really has sentenced the men to 30 years in prison—which is the declared alternative if the ransom is not paid. President Kennedy contrasted this to the "open trial" and 15-month sentence given Castro for his first attempt to overthrow the Cuban dictatorship of Fulgencio Batista. By ordering such harsh sentences for men who "fought in the open" to overthrow him, said the President, Castro has provided another example of the reasons why he "is increasingly isolated from the company of freemen."

Representative WILLIAM C. CRAMER, Republican, of Florida, has introduced a resolution which would have Congress request the President to refuse to allow the trading of American dollars for the Cuban prisoners by anyone.

The Kennedy administration, however, has raised no barrier to private attempts to negotiate the release of prisoners.

President Kennedy, in other comments on foreign policy, which were unusually brief yesterday because of the dominance of the steel price rise furor, also said:

He is extremely concerned about American soldiers who are in a great many areas in hazards—in Vietnam, and elsewhere. But in answer to the question of what he will do about "American soldiers getting killed in Vietnam," the answer must be "we cannot desist in Vietnam" to keep South Vietnam from falling under Communist domination. The four American sergeants who gave their lives there recently, he said solemnly, are "in that long roll" of Americans who gave their lives in World War I, II, and Korea to defend independence.

"It is hard to think of any proposal that we could make which would be welcome on both sides" in the Dutch-Indonesian dispute over New Guinea, but the United States will keep trying.

U.S. Ambassador Ellsworth Bunker, trying to bring the two sides to a peaceful solution as an agent of United Nations Acting Secretary General U Thant, is engaged in a task in which there is bound to be displeasure on all sides. The "role of the mediator is not a happy one" but the United States is "prepared to make everybody mad if we can make some progress."

[UPI Story]

BARTERING FOR HUMAN LIVES—CASTRO DESPERATE FOR MONEY

(By Phil Newsom)

For the bereaved families, who for the last year have lived on the razor's edge of hope and despair, there clearly was no other course than to attempt to deal with Fidel Castro on his offer to barter lives for money.

Twenty-five thousand for one life, $500,000 for another to a grand total of $62 million.

For the refugee families of the men taken prisoner in last year's Bay of Pigs invasion, the figure obviously was an impossible one. It had almost tripled since Castro first offered to exchange his prisoners for $26 million worth of heavy tractors.

The tractors-for-prisoners committee long since had disbanded. The U.S. Government neither helped nor hindered.

Nonetheless an effort was being made.

Whether Castro would live up to a deal once it was made remained to be seen.

Communist barter in human lives is not a particularly new tactic.

The Communists had attempted to use it 10 years earlier in Korean armistice negotiations at Panmunjom.

In the seemingly endless talks between the United States and Red Chinese Ambassadors in Warsaw, the Reds had attempted to use American prisoners as a bartering weapon in exchange for a switch in the American attitude toward Formosa and Red Chinese membership in the United Nations.

Castro's first offer of men for tractors had aroused Latin American indignation.

Of the latest one, the São Paulo, Brazil, newspaper O Estado editorialized:

"While there is, in accordance to humanitarian and Christian standards, no material equivalent for the value of human life, Fidel Castro's new demand not only demonstrates his growing cynicism but also the total bankruptcy of the Cuban economy."

Both were clearly evident.

For the first time in their history, the Cuban people were on food rationing.

The refugee flow out of Cuba remained at about 2,000 per week.

Castro had in the neighborhood of $100 million worth of Communist Mig jet fighters, guns and tanks, but he had no money.

Industrial absenteeism was mounting and much of the sugar crop remained unharvested.

It seemed certain that Castro would be unable to meet his sugar commitments to Communist nations, and they in turn either could not or would not supply Cuba with desperately needed foodstuffs.

Castro himself was acting peculiarly. He still proclaimed himself a Marxist-Leninist but he denounced Cuba's old-line Communists and complained his own revolutionaries were being deprived of jobs.

There was speculation that perhaps Castro was on the way to becoming an American Hemisphere Tito.

Meanwhile, he had lost none of his invective abilities. Ousted President Frondizi, of Argentina, was a coward; Arosemena, of Ecuador, a drunkard; and Betancourt, of Venezuela, a murderer. Coincidentally, all had broken relations with Castro.

BATTLE CREEK, MICH., AREA CHAMBER OF COMMERCE

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. JOHANSEN] may extend his remarks in two instances at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. JOHANSEN. Mr. Speaker, it is with genuine pride that I record a distinguished honor and recognition which has been awarded to the Battle Creek Area Chamber of Commerce by the U.S. Chamber of Commerce in conjunction with the latter organization's 50th annual meeting in Washington this week.

On Monday evening, the Area Chamber of Commerce of Battle Creek, in the Third Congressional District of Michigan, received the top Program-of-Work Award for 1961 for class C cities—25,000 to 50,000 population.

As an official entry in the nationwide competition, the Battle Creek Area Chamber of Commerce reported on 25 phases of activity in the areas of business development, economic-political education, legislative action and organization improvement.

I extend my warmest congratulations to the members of this valuable community organization in my hometown and in particular to Mr. Gordon W. Howard, who served as president of the chamber of commerce during the first 9 months of 1961; Mr. Laurence W. Love, present

president of the chamber of commerce, and Mr. Fred E. Merrell, executive vice president of the organization.

PICKETING

Mr. JOHANSEN. Mr. Speaker, last week a youthful Navy recruit was arrested for picketing the Atomic Energy Commission Offices in San Francisco in protest against nuclear testing. He was placed in the brig.

Also last week, Dr. Linus Pauling twice picketed the White House, likewise in protest against nuclear testing.

On Sunday evening, Dr. Pauling was an honored guest of the President of the United States in the White House. Dr. Pauling's professional picketing activities in favor of Communist-supported causes are notorious. There is no question that his words and example have influenced many Americans—including many young people—to engage in similar activities in behalf of similar causes.

Of course, picketing by military personnel should be prohibited.

Of course, the legal right of Dr. Pauling to engage in picketing activities is unquestioned.

But there is certainly a grave question of good judgment and propriety, nevertheless, in the White House honors extended to Dr. Pauling in the light of those picketing activities, in the light of the cause which those activities are designed to promote, and in the light of the example he is setting for young Americans.

One recalls the sense of inconsistency which prompted President Lincoln, in a letter to Erastus Corning, June 12, 1863, to ask why he must punish "a simple-minded soldier boy who deserts, while I must not touch a hair of a wily agitator who induces him to desert?"

A PATTERN FOR POVERTY

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from Arizona [Mr. RHODES] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. RHODES of Arizona. Mr. Speaker, I wish to incorporate into my remarks a House Republican policy committee staff analysis of Presidential spending programs which I have termed "a pattern for poverty." It indicates a $7 billion deficit for fiscal year 1963 instead of a promised surplus of $½ billion.

It also points out trends of fiscal irresponsibility which, if continued, would result in total annual spending of $124 billion and a Federal debt of $330 billion by fiscal year 1970. This will be due not only to an overly optimistic revenue prediction based on a $570 billion gross national product but also to spending messages and proposals which, if enacted, could add $4 billion to our expenditures during the coming fiscal year.

Congress will be left with a greatly diminished control of spending—an unconscionable usurpation of constitutional powers reserved to the Congress alone. We can expect that our children and their offspring are going to be paying our bills for decades to come—surely a sad legacy for our generation to pass on to those yet to come. The analysis follows:

STATUS OF LEGISLATIVE PROGRAM AT EASTER RECESS, 1962

BILLS PASSED BY THE HOUSE IN 1962

1. Manpower retraining: Included Republican-sponsored amendments. Public Law 415.

2. Welfare and Pension Plan Disclosure Act amendments: Gave Secretary of Labor powers and established penalties for abuses in connection with administration of fund assets estimated to total over $50 billion. Public Law 420.

3. Military procurement for aircraft, missiles, and naval vessels totaled $12.7 billion including an unrequested $491 million for development of the RS–70.

4. Educational television: House passed March 7 a bill to provide $25.5 million in matching funds for the States, but Senate conference resulted in matching grant authorization of $32 million.

5. College aid: Loans and grants for academic facility construction for public and private colleges in the House, while the Senate approved loans only and added Federal college scholarships. The House Rules Committee has not as yet given a rule for a conference between the two versions of the bill.

6. Welfare amendments: House-passed bill to revise the extent and standards for Federal participation in the Federal-State welfare program. Did not prohibit residence requirements in excess of 1 year as the administration has requested. However, House bill provided more of a Federal share in some programs than the President had requested. Now pending in the Senate.

7. Tax reform: House passed on March 29 the tax reform legislation which was opposed by all Republicans, who voted to recommit—however, the three questionable features, including withholding of dividend and interest income, taxation of foreign subsidiaries and an investment credit plan, still were part of the bill when it reached the Senate Finance Committee. Republicans would have substituted more realistic depreciation for the tax credit plan.

8. Debt ceiling: House and Senate approved legislation to increase the national debt ceiling by $2 billion to $300 billion for the remainder of fiscal year 1962. Action will be called for again by the administration for an additional increase of $8 billion to $308 billion for fiscal year 1963.

9. Postal rate increase: The House passed January 24 an amended bill to increase postal rates to produce $691.3 million in new revenue for fiscal year 1963 ($69 million more than would have been the result of the administration bill). The bill is now in the Senate where the committee will perhaps merge the rate and pay raise bills (recommendations by the President for a 10-percent pay increase spread over a 3-year period).

10. Antitrust documents: The House (March 13) and Senate have both passed legislation permitting the Justice Department to subpena business records for use in civil antitrust cases. The conferees have not as yet met.

11. Cotton textiles: The House passed H.R. 10788 on April 11 giving the President authority to regulate trade from nonsigning nations to prevent flooding of the domestic market with cotton textile products.

BILLS DEFEATED BY THE HOUSE IN 1962

1. Reorganization Plan No. 1 of 1962: Setting up an Urban Affairs and Housing Department. A disapproval resolution passed the House, 264–150, on February 21.

2. House enlargement: A recommittal motion on the floor of the House killed a bill to increase the size of the House to 438 (March 8) after an amendment which had been added, raised the possibility that an entire delegation might have to run at large in 1962.

MAJOR LEGISLATION CURRENTLY PENDING IN HOUSE

1. Unemployment compensation: Legislation for permanent revisions in the Federal-State system looks doubtful at this time, but another temporary extension of benefits may result. Pending in Ways and Means Committee.

2. Youth Conservation Corps: Bill reported from Education and Labor Committee March 22. House version of the Youth Conservation Corps was twice as large as the 6,000-member corps recommended by the President.

3. Standby public works: A $2 billion standby public works program to combat economic recessions has not proceeded as far as the President's March 26 request to make $600 million available immediately. Hearings have been completed by the House Public Works Committee, while the Senate Public Works Committee has approved the administration bill authorizing the $2 billion and the immediate $600 million.

4. Communications satellite: The House Interstate and Foreign Commerce Committee reported on April 19 a bill providing for a private corporation owned jointly by carriers and the public, similar to that which the Senate Aeronautical and Space Sciences Committee also has approved.

5. Civil rights: Of the Kennedy proposals to ban the poll tax as a voting requirement and to make a sixth-grade education sufficient proof of literacy on literacy tests required of those registering to vote, the poll-tax proposal passed the Senate as a constitutional amendment. The House Judiciary Committee is holding hearings on the poll-tax amendment. During Easter recess, the Senate will debate the literacy test bill.

6. Omnibus farm legislation: Despite great pressure on one or two Democratic members of the Agriculture Committee, the farm bill (H.R. 10010) was not reported by the House Agriculture Committee, which will try to resolve their problems after the Easter recess (by a vote of 19–16). Dairy proposals have been altered in the most recent bill submitted, while the Senate Agriculture Committee has drastically revised feed-grain provisions of the bills.

7. Sugar Act: No action had been taken through April 30 to extend the 1948 Sugar Act which expires June 30. Hearings are scheduled before the House Agriculture Committee beginning May 1.

8. Wilderness bill: While S. 174 was passed by the Senate last year, the House Interior and Insular Affairs Committee has taken no action, but will hold hearings beginning May 7 on this bill to establish a National Wilderness Preservation System.

9. Transportation: The Senate is scheduling hearings on a bill for a 3-year, $500 million program to revitalize urban transit systems, while the House Public Works Committee has held hearings on three bills authorizing funds for the Federal-aid primary, secondary and urban road programs for fiscal years 1964–1965.

10. Medical care: The House Ways and Means Committee has not as yet reported out H.R. 4222—the King-Anderson bill for financing medicare benefits for the aged through social security. Hearings were held last year and no further action has been taken.

11. Aid to medical schools: The House Interstate and Foreign Commerce Committee reported on March 24 a bill to authorize

grants for construction of facilities for medical and related professional schools and for loans for students of medical and related professions, as well as extending the current health research facilities construction program. It now is pending before House Rules Committee.

12. General aid to education: The Rules Committee has still given no rule to H.R. 10145 to improve the quality of schoolteaching, while the House Education and Labor Committee has held hearings on the so-called Bailey bill to provide general Federal school aid by a different method.

13. Civil defense: The House Government Operations Committee has held hearings on a proposal to provide incentives for construction of civil defense fallout shelters at a cost of $450 million in fiscal year 1963 and $1.8 billion through 1967. The committee has not as yet reported a bill.

14. Battle Act: No action has been taken on the Kennedy recommendation (passed by the Senate) to amend the Battle Act to broaden the authority to provide aid to Communist-dominated areas. Also, the Export Control Act comes up for renewal this session.

15. Foreign aid: The House Foreign Affairs Committee has held hearings on the President's request for appropriation of $4.9 billion for economic and military aid and authorization of $3 billion for the next 4 fiscal years ($600 million to be appropriated in fiscal year 1963) for the Alliance for Progress.

16. U.N. bond issue: The Senate has passed (70 to 22, on April 5) an amended bill authorizing the President to loan the U.N. up to $100 million ($25 million outright and $75 million on a matching basis with other U.N. members) to assist the U.N. in a financial crisis. The bill is currently before the House Foreign Affairs Committee.

17. Reciprocal trade: The House Ways and Means Committee has completed over 4 weeks of hearings on the Trade Expansion Act of 1962 and is expected to report an amended bill within 2 or 3 weeks. The President wants authority over the next 5 years to negotiate tariff cuts up to 50 percent; to eliminate tariffs on goods of which the United States and the Common Market supply 80 percent of the free-world trade; and to eliminate tariffs on goods currently dutiable at 5 percent or less. He also seeks provisions loosening the restrictions on his authority under the peril-point and escape-clause provisions, and wants authority to relieve injured businesses and workers through loans and benefits.

BRIEF ANALYSIS OF MAJOR POLICY MESSAGES OF PRESIDENT KENNEDY, 2d SESSION, 87th CONGRESS

1. STATE OF THE UNION MESSAGE (JANUARY 11)

Twenty specific legislative proposals. Most already had been budgeted or discussed in previous sessions, or would be spelled out in later messages by President Kennedy, so that exact cost estimate would be difficult. Several of the 20 proposals carried at least a billion dollar price tag.

(1) Manpower Training and Development Act; (2) Youth Employment and Opportunity Act; (3) 8-percent investment credit; (4) standby Presidential power to cut taxes temporarily; (5) unemployment insurance program; (6) Standby Presidential power to launch public works projects; (7) Federal pay increases; (8) higher postal rates; (9) withholding of dividend and interest income; (10) extension of excise and corporate tax rates; (11) creation of the Department of Urban Affairs and Housing; (12) new comprehensive farm program; (13) civil rights protection; (14) Federal aid to medical and dental colleges; (15) aid to State-administered program of mass immunization against polio, etc.; (16) tightening of food and drug laws; (17) compulsory health insurance for the aged under social security; (18) massive attack on adult illiteracy; (19) Federal aid to higher education; (20) Federal aid for public school construction and teachers' salaries.

President Kennedy promised a balanced budget and only 2 days previously asked Democratic leaders for immediate congressional action to increase the permanent national debt ceiling.

2. BUDGET MESSAGE (JANUARY 18)

President Kennedy called for record peacetime expenditures of $92.5 billion and projecting record-level receipts of $93 billion for fiscal year 1963, indicated a modest surplus of $463 million, enabling him to submit a budget strictly in balance and thus redeem his pledge of July 25, 1961. He acknowledged that the hope for sharply increased Federal receipts in fiscal year 1963 (based on a Treasury estimate of a $570 billion gross national product in calendar 1962) rested on the assumption that the brisk recovery from last year's recession will continue through the coming year and beyond.

Over 60 actual requests for legislation were included in the President's 1963 budget, in fields of agriculture, education and welfare, foreign policy, general government, national security, public works and resources, and taxes and economic policy. Among the more controversial were:

(1) Enact new feed grain, wheat, and dairy legislation to reduce Federal expenditures.

(2) Enact 1961 bill to aid construction of public schools and increase teachers' salaries.

(3) Authorize $3 billion over 4 years for loans and grants to the Alliance for Progress.

(4) Establish a Department of Urban Affairs and Housing.

(5) Enact the 1961 tax program.

(6) Give the President standby authority to expand Federal or federally aided public works programs.

(7) Give the President standby authority to reduce personal income tax rates by specified percentages in time of economic recession.

(8) Provide health insurance for the aged under the social security system.

3. PRESIDENT'S ECONOMIC REPORT (JANUARY 20)

While stating that the American economy in 1961 had "regained its momentum" and that the recovery should "carry the economy further toward full employment and full production in 1962," the President made several legislative requests and expanded on some of the key economic and fiscal requests earlier included in his budget and state of the Union messages as follows:

(1) Standby tax reduction; (2) standby public works; (3) unemployment compensation; (4) Federal Reserve recommendations; (5) repeal of the Silver Acts requiring support of the price of silver; (6) manpower retraining; (7) youth employment; (8) increased funds for the U.S. Employment Service; (9) welfare-pension plan enforcement; (10) tax proposals pending before House Ways and Means Committee; (11) Korean war tax extension; (12) aid to education; (13) trade expansion; (14) a standby U.S. commitment of $2 billion (out of $6 billion) to the International Monetary Fund.

Once more, duplication of programs in these three messages and the fact that many were already budgeted made any fiscal analysis wait on the specific legislative reports of the President which were to follow.

4. RECIPROCAL TRADE LEGISLATION (JANUARY 25)

While this program set up a revolving fund of $100 million to be authorized for adjustment assistance to firms or farms injured by tariff reduction, no cost was specified for adjustment cost to displaced workers, an integral part of the program.

5. AGRICULTURAL PROGRAM (JANUARY 30)

Acreage allotments for feed grains; the certificate wheat plan; milk price supports; rural renewal programs; and conversion of cropland to grassland and forests supposedly would save almost $5 billion over a 5-year period. However, the record is as follows:

Fiscal year 1961 expenditures, $5.9 billion.

Fiscal year 1962 expenditures, $7.2 billion (up 22.5 percent).

Fiscal year 1963 requests, $7.26 billion (again increased).

6. UNITED NATIONS BOND PROGRAM (JANUARY 30)

Recommendation was for the purchase of $100 million (50 percent) of U.N. bonds. They would be repaid at the rate of $10 million per year as part of the regular United Nations budget, and would be an obligation of the U.S. budget for fiscal year 1962.

7. TRANSMISSION OF REORGANIZATION PLAN NO. 1 (URBAN AFFAIRS DEPARTMENT) (JANUARY 30)

While considerable opposition arose against this plan for a variety of reasons, it should be pointed out that an increase of cost of $64,000 for fiscal year 1963 would have resulted had this department been established.

8. PUBLIC WELFARE (FEBRUARY 1)

The increases here in the share of Federal funds earmarked to States for rehabilitation and preventative services, as well as increased ceilings for child welfare grants and new programs for day care of young children of working mothers were estimated to cost $93 million for fiscal 1963 in the cost of new programs and $100 million annually for the cost of extending existing programs.

9. EDUCATION (FEBRUARY 5)

The 10-point program proposed by the President would result in new obligational authority in the amount of $5.7 billion over a 5-year period. For fiscal year 1963, $1.1 billion in authorizations and $166 million in appropriations would apply. Since the aid to public schools (school construction and teachers' salaries) would amount to $2.1 billion over only a 3-year period ($.7 billion per year), it is reasonable to assume that an extension of this program would add another $1.4 billion for fiscal year 1966 and 1967—bringing the 5-year total to $7.1 billion.

10. TELESATELLITE REQUEST (FEBRUARY 7)

The President requested a communication satellite development corporation to be privately owned and subject to Government regulation. The public could share ownership as well. The cost of establishing such a system was estimated at $500 million originally, though some counts run all the way up to the neighborhood of $1 billion.

11. STANDBY PUBLIC WORKS (FEBRUARY 19)

When "triggering conditions" exist, the President asked for a 12-month commitment of up to: $750 million for direct Federal expenditures for authorized programs and projects (dating back to any authorization no matter how ancient); $750 million in grants-in-aid to State and local agencies; $250 million in loans to State and local agencies; and $250 million in additional funds for any one or a combination of the above purposes. This marks a total potential of $2 billion within a fiscal year.

12. FEDERAL EMPLOYEES PAY REFORM PROGRAM (FEBRUARY 20)

This request by the President would lead to an eventual $1 billion annual increase, with the impact delayed due to a three-step program, beginning January 1, 1963 (4.2 percent); January 1, 1964 (3.7 percent) and Jan-

uary 1, 1965 (2.1 percent). This should therefore have a logical additional cost of $210 million in fiscal year 1963; $605 million in fiscal year 1964; $895 million in fiscal year 1965; and $1 billion a year thereafter. Of course, if a higher increase should be enacted by Congress, or if the effective date should be moved to July 1, 1962, as has been suggested, the impact on the Federal Treasury will be greater and sooner.

13. HEALTH CARE MESSAGE (FEBRUARY 27)

This 10-point program included 7 programs which had already been budgeted for fiscal year 1963 at a cost of $182 million, while mental health and mental retardation would be added later once studies had been completed. Thus, the major increase here lies in the medicare for the aged proposals, estimated to cost "just over $1 billion," but to be financed by increased social security taxes. The cost is estimated here to come closer to $1.4 billion annually.

14. CONSERVATION MESSAGE (MARCH 1)

This message included $2.2 billion already included in the budget for fiscal year 1963, but added a land conservation fund which would (1) reduce the planned revenues for fiscal year 1963 by $50 million and (2) set up a revolving fund of $500 million from the Treasury over an 8-year period to insure that "costly delay in beginning an acceptable program" would not result. The New York Times estimated that this phase of the program would ultimately cost $1 billion in a March 2 story.

15. NUCLEAR TESTING AND DISARMAMENT (MARCH 2)

There was no portion of this program, as outlined over radio and television on this date, which appeared to involve additional U.S. Government funding.

16. FOREIGN AID (MARCH 13)

The President recommended in this message, including those authorizations previously enacted, total fiscal year 1963 authorizations in the amount of $5.4 billion (including military assistance) and appropriations in the amount of $4.878 billion—which amount to some $1 billion more than were approved for the previous fiscal year. Of this sum, the $600 million asked for the Alliance for Progress was only the first installment on a 4-year $3 billion program.

17. UNEMPLOYMENT COMPENSATION (MARCH 12)

The President here endorsed provisions of the McCarthy-King (labor-backed) bill to increase the taxable base income to $4,800 and the Federal tax to eight-tenths of 1 percent. Federal funds would be made available to assist States hard hit by jobless benefit costs. A permanent extension of 13 weeks of benefits for those having a work history of 3 years was also provided for. While no costs were estimated, supporters claim that 3 million more workers would be brought under the program.

18. CONSUMER PROTECTION (MARCH 15)

Along with bills currently before Congress, new proposals were added in the fields of meat inspecting and patent publication. Admittedly, programs not already included in the fiscal year 1963 budget would add a cost of $10 million annually. While no further budgetary estimates were available, some portions of the program would increase the staff of the Food and Drug Administration by 25 percent; set up a Consumers Advisory Council; broaden existing pure food and drug laws, etc.

19. TRANSPORTATION MESSAGE (APRIL 5)

This long-delayed message increased Federal concern, control, and funding of intercity transportation, urban transportation, and international transportation, including emergency aid, long-range programs, "consistent policies of taxation and user charges," equal competitive opportunity and "protection of the public interest." Though the cost of much of this is intangible at present, a capital grant authorization of $500 million over a 3-year period would be set up under the Housing and Home Finance Agency to assist qualified public agencies to cover up to two-thirds of the cost of acquiring rights-of-way, fixed facilities and rolling stock to extend and rehabilitate existing systems or to create new ones in the field of urban mass transportation. In addition, a $50 million mass transportation loan fund which had been authorized under the 1961 Housing Act was to be converted into a revolving fund to provide Federal loans where private funds were not available.

An analysis of these 19 major policy messages finds the following picture:

1. Additional spending recommendations above and beyond the budgetary estimates in many areas.

2. Programs recommended but not carrying a price tag—the sum total of which might be very high indeed.

3. Many recommendations stretching out into a 3-, 5-, or 8-year-fiscal period, with increased authorizations in the future weakening the future abilities of Congress to hold the line when these built-in programs are already on the books.

4. Even if only a fraction of these recommendations are enacted by Congress, they spell the doom for a precariously balanced budget now and in years to come. If enacted today, the ultimate additional annual cost of each of these programs can be estimated as being as follows:

Recriprocal trade, $¼ billion; education, $1.5 billion; welfare, $¾ billion; public works, $2 billion (potentially, depending on triggering requirements); pay reform, $1 billion; health, $2 billion (to be ultimately financed from increased social security taxes); conservation, $¼ billion.

Close to $8 billion annually would be expended by fiscal year 1967 if Congress would enact the proposals of President Kennedy in just these few fields, to say nothing of an as yet indeterminate cost in increased agricultural, foreign aid, "consumer protection," and United Nations programs.

5. In addition to these major policy messages, the President and the administration have submitted messages to Congress in less-publicized areas as follows in 1962:

February 1: A $2 billion loan (33⅓ percent) to International Monetary Fund.

February 7: Supplemental appropriation of almost one-half billion dollars for fiscal year 1962.

February 8: Fallout shelter bill ($1.8 billion, fiscal year 1963–68, with $695 million through fiscal year 1963).

February 26: Increase of Peace Corps from 2,400 to 6,700 and a subsequent authorization increase from $40 million to $63.75 million for fiscal year 1963.

March 5: Changing the revolving fund of the Small Business Administration so as to end the double congressional review of funds.

March 13: Supplemental appropriation of $25 million to build pavilion at New York World's Fair.

March 19: Supplemental appropriation of $35 million, earmarked for storm relief.

March 26: Actual public works request (see major message of February 19) which would expend $25 million in fiscal year 1962; $350 million in fiscal year 1963; and $225 million in fiscal year 1964.

March 1: As part of conservation message, the President's request for a Youth Conservation Corps would mean funding of $197 million the first year; $230 million the second; $393 million the third; $482 million the fourth, and $400 million annually thereafter.

March 29: Reorganization Plan No. 2 to set up an Office of Science and Technology. No cost estimate, but the salaries of the Director and Assistant Director would total $43,000 annually.

April 3: Supplemental appropriation of $17.3 million for nine departments.

April 4: Proposal for recreation taxes—$3 for each automobile entering a national park; $5 a year for 14–16-foot boats and an extra $2 for each additional foot; with money earmarked for the land conservation fund recommended on March 1.

April 10: Emergency jobless pay extension: $183 million from special payroll tax imposed on 1962–63 payrolls while remainder would come from a special payroll tax of one-tenth of 1 percent for 1964.

April 17: President asked for power to select Federal Reserve Board Chairman and to raise salaries for Board members.

It is thus evident that the major and minor messages of the President during 1962 have recommended programs which would cost additional public money and thus threaten any possibility of balancing the Federal budget from this time onward.

We conclude that there may be a substantial deficit in the Federal budget for fiscal year 1963.

Expenditures, especially in areas such as agriculture; housing; health, labor, and welfare; education; pay increases; and international affairs will exceed $92.5 billion and will perhaps reach $97 billion. New obligational authority will depend greatly upon the attitude of Congress, but will surely surpass $100 billion as compared to an estimated $99.3 billion figure.

Revenues of $93 billion were forecast on a hope for sharply increased Federal receipts and a prediction by President Kennedy that the gross national product would reach $570 billion by the end of calendar 1962. It now looks as though the final GNP for 1962 will be at a rate closer to $560 billion. If this estimate is correct, Government expenditures will rise in accordance with the administration theory that enlarged Government spending on schools, roads, hospitals, etc., is the answer. Revenues may decrease to just under $90 billion, leaving a deficit of over $7 billion, in contrast to an anticipated surplus of $500 million. This is a nondefense deficit. That it is now anticipated by the administration will soon be in evidence with their expected request for a further increase of $8 billion in the debt ceiling limit. The reasons for this are obvious:

1. Built-in spending programs from the 1961 session of Congress and the original recommendations of President Kennedy are now taking their toll. For example, the following chart shows the recommendations of President Kennedy in 1961 and of President Eisenhower the year previous:

Function	President Kennedy	President Eisenhower
	Millions	*Millions*
Water pollution (annual)	$100	$50
Housing	[1] 8,900	1,100
Education (annual)	800	100
Area redevelopment (annual)	100	30
Foreign aid (annual)	5,400	4,300
Defense (annual)	46,400	39,200
Total	[1] 61,700	44,780

[1] Plus $8,000,000,000 back-door spending.

2. The theory held by the Kennedy administration is that Government spending will bring our Nation a tailormade solution to unemployment and depressed areas in contrast to the actual need for tax incentive

for investment and more realistic depreciation allowances to release the energies of our dynamic private enterprise economy. The administration is still waiting for their $575 billion gross national product despite the priming of the pump.

3. The fact is that in many instances the Democrat-controlled Congress not only passes all legislation recommended by the President, but on occasion also surpasses his figures (such as in the House passage of the welfare amendments in 1962). Given the legislation passed in 1961 and the $99.3 billion requests for new obligational authority for fiscal year 1963, it becomes quite evident that within 5 years we will be spending $120 billion annually.

4. Each dollar spent compounds the felony. A dollar added to the national debt (President Kennedy will soon recommend an increase in the ceiling to $308 billion) adds to the interest to be paid in future budgets. Loss of international confidence in the dollar due to our balance-of-payments situation leads to our enterprise not being able to compete, and thus lessens our tax incentive and investment back home. Even expansion of social security leads to inflation since every dollar assessed against a corporation for medical care under social security will reduce net taxable income; hence, the Federal Government must contribute 52 percent of these trust fund dollars from the revenues that would normally flow into the Treasury to finance the regular budget. In addition, as all social security taxes levied on individuals are in effect an income tax with no deductions or exemption, a continued increase in their level reduces take-home pay and ultimately will generate demands for increases in wage and salary rates.

5. Summing up the budget predictions for fiscal year 1963 by the President and our analysis, we come up with the following:

	Kennedy estimates	Current possibilities
	Billions	*Billions*
Federal revenues (fiscal year 1963)	$93.0	$90.0
Federal expenditures (fiscal year 1963)	92.5	97.0
Surplus (+) or deficit (−)	+.5	−7.0
Public debt, end of year	294.9	303.0

6. Whatever the results for fiscal years 1962 and 1963, the recommendations of the President in this regard and the probable reaction of Congress both last year and this year have built in spending programs for years to come which threaten to dash upon the rocks any chance of budget balance or fiscal integrity in this or future generations unless action is taken now.

7. The results of the Kennedy messages and the fiscal policies of this administration and Congress can best be seen by a look at the possible situation by fiscal year 1970. If current trends in Federal expenditures as seen through new obligational authority are continued, and deficits such as those now perceived for the first 2 years of the New Frontier are projected over the next few years, the following will be the picture by 1970:

Total annual Federal budget (expenditures), $124 billion. (Up over 30 percent.)

Total outstanding public national debt, $330 billion. (Up over 10 percent.)

Total annual interest on national debt, $12.4 billion.

Total built-in spending programs authorized for fiscal year 1970 by Congress in years up to and including fiscal year 1969, $28 billion.

Grand total annual budget already committed for fiscal year 1970 (including debt interest, defense spending, and the programs already referred to), $90 billion plus.

THE FREEMAN RETREAT

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. DOLE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. DOLE. Mr. Speaker, I have received a letter from Joseph M. Robertson, administrative assistant to U.S. Department of Agriculture Secretary Orville Freeman, indicating the Freeman directive authorizing career officials in the Department to promote pending legislation has been withdrawn. This reply was in response to my letter of April 20 requesting such action following an announcement of John W. Macy, Jr., Chairman of U.S. Civil Service Commission, that a previous memorandum issued by him to all departments had been rescinded.

The reply indicates USDA career employees no longer have the right or obligation to promote Freeman's pending farm program or any other legislation still pending before Congress. This represents a victory, not only for the public generally but for these employees who in some instances have been advised to sell the program or else, including those State ASC officials recently advised by the President personally not to let their Congressman get lonesome.

Certainly when Congress enacts a program Federal employees have the duty to administer it in accordance with directives and regulations authorized by the legislation. Government employees should not, however, be required to promote pending legislation and change their conviction every time there is a change of administration.

So that interested Members and others may be advised, included herewith is my letter to Secretary Freeman and the letter of Mr. Robertson, along with information on the Macy memorandum and the revision thereof. It is gratifying to note the letter of April 20 by Carl Barnes, Director of Personnel, USDA, to all agency heads calling their attention to the revision of the Macy memorandum. May this conclude what easily could have become a real threat to civil service employees and to the very system itself.

Now if those Department of Agriculture employees who have been engaging in lobbying activities throughout the country will devote their full time and energy to problems of the farmer and agriculture generally, it will represent a start in the right direction and may help bring order out of chaos.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C. April 20, 1962.

Hon. ORVILLE L. FREEMAN,
Secretary of Agriculture,
Washington, D.C.

DEAR SECRETARY FREEMAN: As you know, John W. Macy, Chairman of the Civil Service Commission, has rescinded the memorandum under which Federal employees were advised they could explain the position of the administration on proposed legislation before interested groups. In view of this, it would seem imperative that instructions previously given to USDA employees to present the administration view of farm policies and programs should be immediately withdrawn.

I shall appreciate a reply at your earliest convenience.

Sincerely yours,

BOB DOLE,
Member of Congress.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., April 27, 1962.

Hon. ROBERT J. DOLE,
House of Representatives,
Washington, D.C.

DEAR MR. DOLE: This acknowledges your letter of April 20, 1962, in which you suggest that instructions previously given USDA employees to present the administration's view of farm policies and programs be immediately withdrawn.

Attached are copies of a memorandum of January 24, 1962, issued by Carl B. Barnes, Director of Personnel, to heads of our Department agencies, and a copy of a notice (PM–164) issued to offices of the Agricultural Stabilization and Conservation Service by Mr. R. P. Beach, Deputy Administrator for Management. It will be noted that both of these memorandums merely transmitted Mr. Macy's memorandum, which stated that career employees could explain the position of the administration on proposed legislation before interested public groups, and contained no instructions to do so.

We have issued to the heads of our agencies a memorandum (copy attached) informing them that Mr. Macy has deleted from his earlier memorandum the sentence: "Aware of the implications, however, the career official may explain the position of the administration in the proposed legislation before interested public groups." The agencies are directed to revise any previous instruction accordingly.

Sincerely yours,

JOSEPH M. ROBERTSON,
Administrative Assistant Secretary.

NOTICE PM–1641—ROLE OF THE CAREER OFFICIAL IN SUPPORT OF FEDERAL PROGRAMS

The extent to which Federal career officials should publicly support current and discuss proposed programs of their departments and agencies requires thoughtful judgment by all concerned. The role of the career official is still evolving within our system of government with the consequence that the precedent of longstanding tradition is not available. It is understandable, therefore, that uncertainty exists regarding the role the career official should play in program advocacy. This uncertainty has prompted requests from career officials, particularly in the field service, and from department and agency heads for guidance.

No definitive standard can be enunciated to define this role. Discretion and judgment must be applied by both Presidental appointees and career officials within the context of each problem as it arises. With this in mind it may be helpful, nevertheless, to consider the following guidelines:

1. Programs already authorized by law or Executive order.

When a Federal program is based on law or Executive order, every career official has a positive obligation to make it function as efficiently and economically as possible and to support it as long as it is a part of recognized public policy. This means that a career official may properly make speeches explaining and interpreting a current program, identifying its public purposes, citing its achievements, defending it against uninformed or unjust criticisms, pointing out need for possible corrective action or soliciting views for improving it. The fact that the

program was the subject of partisan controversy during the stages of enactment or development would in no sense lessen this obligation although the career official should exercise care in divorcing his remarks from a strictly political context.

2. Pending legislation.

A more difficult decision is faced when new or changed programs are pending before Congress in the form of proposed legislation. Definitive statutory language prohibits the use of appropriated funds for "publicity or propaganda designed to support or defeat legislation pending before Congress." Such language clearly limits the career official's position of possible support of or opposition to new or amendatory legislation. Aware of these implications, however, the career official may explain the position of the administration in the proposed legislation before interested public groups. Frequently, career officials are requested to testify on pending legislative proposals before congressional committees. Presidential appointees should recognize potential political involvement in assigning responsibility for legislative testimony to career officials. In most instances, the career officials should be used to present factual or technical testimony with policy advocacy reserved for presentation by the Presidential appointee.

A special circumstance arises when congressional committees request the technical services of career officials to assist in drafting bills or reports. Even in politically controversial areas such an assignment is appropriate if it is understood that the career official is serving as a technical expert to assist in committee work under the direction of committee leadership.

JOHN W. MACY, Jr.,
Chairman, U.S. Civil Service Commission.

U.S. DEPARTMENT OF AGRICULTURE,
OFFICE OF PERSONNEL,
Washington, D.C., April 20, 1962.

To: Agency heads.
From: Carl B. Barnes, Director of Personnel.
Subject: Role of the career official in support of Federal programs.

Under date of January 24, 1962, this office transmitted a statement by the Honorable John W. Macy, Jr., Chairman of the Civil Service Commission, with respect to the role of the career official in supporting administration programs. Chairman Macy has deleted the sentence from the second paragraph of his memorandum relating to pending legislation which was as follows:

"Aware of these implications, however, the career official may explain the position of the administration in the proposed legislation before interested public groups."

Agency instructions transmitting or otherwise implementing Mr. Macy's earlier memorandum should be revised accordingly.

CARL B. BARNES.

GRANT THE DISTRICT OF COLUMBIA DELEGATE REPRESENTATION IN THE HOUSE OF REPRESENTATIVES

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. MATHIAS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. MATHIAS. Mr. Speaker, I have today introduced a bill to give a voice in this House to the Capital of the Union. It is a happy circumstance that I am able to do so on Law Day, May 1, 1962, a date which is dedicated to extolling a government of laws. It is inherent in our traditions that laws should be framed in a representative body and should carry the consent of the freemen who are bound by them.

My bill proposes merely to grant the District of Columbia a Delegate to the Congress of the United States. Under the considerable body of precedent that exists, such a Delegate would be admitted to a very large degree of participation in the proceedings of this House. He could be an effective spokesman in committees and on the floor.

As I know from personal experience, there is a need for more than legislative representation of Washington. Many citizens of the District come to me seeking personal help, because they have no Congressman. While District residents are welcome in my office, and in the offices of other Congressmen, they must share my time with nearly 650,000 constituents. A Delegate to Congress could meet a substantial part of this need.

It is my hope, however, that the substantive proposal embodied in this bill will be viewed by my colleagues, and by the public, as both evolutionary and educational. In the first place, the granting of limited representation to the District in the House is a progressive step between full representation and no representation at all. Second, the need to nominate and elect a Delegate every second year will have a profound educational impact on the political life of the District. The major parties, which now are roused to full action only in presidential elections, will have a need and a reason to continue their political activities on a sustained basis. The results of this experience will be invaluable as the District develops its political institutions.

ANTELOPE VALLEY

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. HIESTAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. HIESTAND. Mr. Speaker, one of the most unique areas which receives part of the defense spending authorized by the Congress is in California's 21st Congressional District, which I have had the pleasure and honor to represent for five terms.

I refer to the unique Antelope Valley, home of Air Force Plant 42 and Edwards Air Force Base. Antelope Valley is a magnificent aircraft center and today, I shall outline the work being performed ther so that my colleagues might better see the bargain—from the taxpayers' point of view.

First, Mr. Speaker, let us look at the Air Force flight test center at Edwards. It covers 301,209 acres, making it the Air Force's second largest installation. The flight test center is responsible for flight testing, research and development work on aircraft, requiring the joint efforts of nearly 10,000 workers—military and civilian. These workers include those of more than 30 commercial aircraft and other contractors maintaining facilities in the high desert air of Antelope Valley.

About 1,200 more military, Government and contractor civilian workers are at the Rocket Research Laboratory at Edwards AFB which is the largest rocket engine test facility of its kind in the free world. Edwards is unique; it enjoys excellent weather conditions. Located in the Mojave Desert, more than 350 days of flight operations a year are permitted at Edwards.

Hard surface, dry lake beds provide the flight test center with the largest land recovery area in the United States and a potential 13-mile long runway which will permit controlled recovery of maneuverable space systems from all directions of the compass.

The facility is within 75 miles of the majority of the Nation's space industry located in the Los Angeles complex, and it can draw on this technically skilled labor market. It also has ready access to the numerous highly accredited academic institutions in that area. The center represents a capital investment of nearly $200 million.

One of the special programs is the aerospace research pilot school. I had the honor to be present at the first graduating class ceremonies last fall. The school trains highly skilled pilots for the intricate, demanding role of experimental test pilots for aeronautical systems and it trains test-engineer pilots for space systems of the future. Although most students are Air Force pilots, some are from other branches of military service, governmental agencies, aircraft companies, and allied foreign air forces.

The free world's largest combined environmental test facility is operated by the Space Systems Division's 6593d Test Group—Development. Among missile propulsion systems being tested are the Air Force Titan ICBM; air-to-surface GAM–87 Skybolt; and multistage, solid propellant, ballistic Blue Scout, modified for special Air Force requirements as a research vehicle system for testing space equipment and technique. Previous projects included Thor IRBM engine testing and development of underground silos for the Minuteman ICBM.

The F–1 test complex is a $12 million cluster of three giant test stands for the new 1,500,000-pound thrust F–1 rocket engine. It is the Nation's most powerful single chamber engine, being developed by North American Aviation, Inc.'s Rocketdyne for NASA. Test stand 1–B, towering 250 feet over the rocket site, is believed the largest of its kind in the free world. During main stage burning, the F–1 engine gulps 3 tons of propellant a second.

Two tracking stations at Edwards keep tabs on manmade satellites orbiting the earth. Five certified international speed courses are at the site. The National Aeronautics and Space Administration is doing considerable work in Antelope Valley, offering nearby residents a ringside seat as the United States rockets into the space age.

Important to this space invasion is NASA's flight research center, one of six research centers of the Federal civilian space agency. It is a close scientific working partner of the Air Force flight test center. NASA personnel at the site has doubled since 1958, when the facility had 285 workers. In the same period, the annual budget of the facility has increased from about $2½ million to $8 million. Underway at the center are a new $1.3 million building and a $500,000 research facility.

NASA will study the lifting body vehicle, a wingless craft which will obtain aerodynamic life from the configuration of its body. It will test a weird, four-legged vehicle, with guidance rockets attached to each leg, which will be able to simulate moon landings. The TFX plane, which will serve both the Air Force and the Navy, will be assigned to NASA at Edwards in 2 to 3 years.

NASA is currently doing first-stage work on the concept of a supersonic transport. The Government allocated $11 million last year for the overall initial program and additional funds are expected annually in an 8-year program, designed to develop a transport that can attain speeds of 2,000 miles per hour. Some of the information gained from the development and flight testing of the RS–70—which I shall discuss later—will be used in this work.

NASA's highly publicized project concerns the X–15, America's highest flying and fastest plane. On April 30, 1962, X–15 Pilot Joe Walker streaked 3,443 miles per hour and attained a record altitude of 48 miles into space.

Dr. Hugh L. Dryden, Deputy NASA Administrator, says, "The X–15 is the most successful research plane ever built." It has been recently handed a new assignment—as a research laboratory rocketing across the threshold of space.

The flight test center has more than 200 test programs in operation. Here are some of them:

Tests on a multiweapons capability of the B–58 aircraft, a new two component pod, Convair B–58 escape capsule and new B–58 tactics are being conducted.

Testing is nearing completion on new modification of the Boeing B–52 bomber. Testing of the B–70 escape capsule has been in progress for the past year. In December of 1962 the XB–70 aircraft, which is being assembled at the North American Palmdale facility, will be flown to Edwards Air Force Base to commence testing.

Other tests include those on the C–135B, F–104 G and J aircraft, F–105, C–130E, T–38, T–39 and numerous helicopter programs. Intermittent testing on the Douglas DC–8, Convair 880 and 990, Norair N–156, and Navy's McDonnell F–4H, Norair's T–38 modification program, Douglas' A–4D–2N test program, and other contractor-conducted programs are currently being supported at Edwards Air Force Base.

The flight test center is currently supporting various testing being conducted for or by the Army and the Navy, including such craft as the JF–102, F–4H, A–4D, A–3D, H–37B, H–13K, and USD–5 Drone recovery system.

Edwards Air Force Base is really a city within itself. It has 2,110 units of family-type quarters; rail and bus service and a nearby commercial airport; elementary school with 1,300 pupils; high school with about 600 students; churches; a modern 13-store shopping center; a fully equipped 45-bed hospital and dental clinic; a nursery; a bank; fine recreation facilities.

Nearly every type of airplane used by the Air Force since 1946 has been flight tested at Edwards Air Force Base.

The flight test center, with a military and civilian payroll of $33 million—as of fiscal 1961—is an $83 million a year business. About $18 million goes for local purchase of materials, equipment and services. Nearly $4 million more is spent on utility and communications charges; machine and equipment rentals; travel, shipping charges; printing; off-duty education; and incidental operating expenses.

Another $28 million covers research and development procurement contracts.

Looking into the future, it is apparent that the workload at Edwards will continue to expand. The flight test center, operating for many years at the fringe of outer space with the X–1, X–2, X–3, and X–15, will play a significant role in testing future space systems. Experience and technology gained through the X–15 program is being carried into the Dyna-Soar program.

Studies are being conducted to determine the role that the flight test center will play in a program for land recovery of satellites. The Dyna-Soar vehicle will be rocket-launched into space from Cape Canaveral and recovered at Edwards. Other areas where the flight test center has supported the national space effort include the development testing of Discoverer, Samos, and Mercury recovery and retardation devices, and various special projects requiring the use of U–2, C–54, C–130, T–29, B–47, and other aircraft. A continued effort in these areas is projected into the future.

The Air Force says:

> If maximum exploitation of the Air Force flight test center potential is utilized by our Government in future years, activities at Edwards Air Force Base will vastly increase, and it will become a major facility for the research, development, and testing of space systems as it currently is for aeronautical systems.

Located in Antelope Valley, near Palmdale and Lancaster, is the facility known as production flight test installation, plant 42. It is an Air Force installation unique in the annals of modern aircraft production.

The operations of plant 42 have presented a striking example of the cooperation of the Air Force and industry, represented by several contractors, normally competitive, working harmoniously on the confines of one base using common facilities. Prior to plant 42, each aircraft manufacturer required its own complete layout of flight facilities, including hangars, runways, taxiways, control tower, and related equipment. The plant 42 concept made available all of these facilities to some of the Nation's largest airframe manufacturers for use on a common facilities basis. Air Force, industry, county, and local community planning has provided the country with an installation that—

First. Reduces duplication of similar facilities at other locations resulting in a tremendous saving of taxpayers' dollars while achieving the utmost in furthering the national defense effort.

Second. Provides Department of Defense aircraft contractors with Government-owned common-use facilities for the purpose of completing the final production and acceptance flight testing phases of high-performance jet aircraft.

Third. Gives the capability for conduct of flight test operations in established restricted airspace, free from densely populated areas and heavy terminal commercial aviation traffic.

Fourth. Establishes a production flight test installation in close proximity to the several prime airframe contractors located in southern California.

Fifth. Provides an installation that minimizes the exposure of large populated areas to the hazards, noises, and nuisances encountered during the daily operation of an airfield primarily associated with high-performance jet aircraft operation.

Lockheed Aircraft Corp. was the first tenant airframe contractor at the installation in 1952. Currently 10 Air Force and 1,085 contractor personnel are performing production operations of F–104 aircraft for Germany, Canada, and Japan. Present dollar value backlog on this program totals about $200 million. Firm contractual obligations are programed to be completed during the month of October 1963.

Northrop Aircraft Corp. is now performing final assembly and production flight test operations on the T–38 type aircraft, the Air Force's supersonic jet trainer. Three Air Force and 213 contractor personnel are employed. Total dollar value of existing contracts is approximately $118,770,000, and this program is due to be completed in December 1963. Future programing for production of T–38 aircraft is projected through August 1966. Additionally, Northrup will probably soon begin its program to supply the N–156 supersonic jet fighter to selected allied nations under the military assistance program. This will greatly increase Northrop's activity at plant 42.

Douglas Aircraft Corp., with its production of the Navy A–4D Mighty Midget jet aircraft, marked the first time that a contractor performing for another branch of military service was allocated Air Force-owned permanent facilities at plant 42. Currently, 9 Navy and 245 contractor personnel are employed in the A–4D final assembly and production flight test program. Total dollar value of existing contracts totals approximately $175,914,000, and this program is due to be completed during the month of December 1963. The Navy has programed facility requirements at the installation for future production flight test on the A–4D aircraft through December 1964, with an expected 10-percent increase over existing contracts.

North American Aviation, Inc., during the early part of 1961, started the initial buildup for the great B–70 Valkyrie mach 3 bomber program. Program requirements of the B–70—now labeled RS–70—brought about major changes and modification of plant 42 facilities. The aircraft is scheduled to make its first flight in December. Currently, 8 Air Force and 2,507 contractor personnel are employed performing modification and flight test operations on F–100 aircraft, and modification of facilities, fabrication of tooling, installation of equipment necessary to manufacture and assemble components and asemblies for the RS–70. Present dollar value of these programs totals approximately $123,220,000. The F–100 modification is scheduled for completion in August 1962. The RS–70 completion date is classified but will extend beyond 1963. Future programs include a possible modification of an unknown number of F–100's at plant 42.

Machinery Overhaul Co. provides services to operate and maintain the Air Force departmental industrial equipment reserve storage site No. 2. Two Air Force and 135 contractor personnel are employed. Dollar value of contract, equipment, building, et cetera, is estimated to be more than $25 million.

Lockheed Air Terminal, providing continuous maintenance and operations services for the common facilities, currently employs 122 persons. Value of the facilities is estimated to be in excess of $15 million.

Mr. Speaker, plant 42 is unique and plays an important role in our defense picture along with Edwards Air Force Base. Antelope Valley, to be sure, has a key role in the development of this Nation's defense capabilities.

COMPARISON OF DISCRETIONARY ANTIRECESSION ACTIONS TAKEN IN THE 1958 RECESSION UNDER PRESIDENT EISENHOWER WITH THE PROPOSAL BY PRESIDENT KENNEDY FOR LEGISLATION TO AUTHORIZE IMMEDIATE INITIATION OF A $600 MILLION CAPITAL IMPROVEMENTS PROGRAM SHOWS THE INSIGNIFICANCE AND INEFFECTIVENESS OF THE KENNEDY PROPOSAL

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. CRAMER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. CRAMER. Mr. Speaker, upon my request, the minority counsel for the Public Works Committee, Mr. Clifton W. Enfield, prepared a comparison of the antirecession actions taken in the 1958 and other recent recessions with the President's proposal for a $600 million capital improvements program, using the official report of 1961 by Maurice Stans, then Director of the Bureau of the Budget, entitled "Federal Fiscal Behavior During the Recession of 1957–58."

A study of the broad administrative and congressional actions taken, which included Federal public works pump priming far in excess of the very meager approach proposed by the Kennedy administration proves conclusively that public works pump priming is not the total answer to the problem, and is perhaps the least effective for the cost involved, and further that even if it were an effective tool the program for $25 million in fiscal 1962, $350 million in fiscal 1963, and $225 million in 1964, is more of a public relations pitch to the depressed areas and to the country than it is an effective tool to aid, substantially, unemployment.

It is foolhardy to suggest that a 3-year program totaling $600 million, which would be an average of $750,000 per depressed or redevelopment area for the total 3-year period of which there are approximately 1,000—874 area redevelopment plus 132 depressed areas—and which amounts to an average of $250,000 per year. When broken down annually, according to the amounts proposed to be allocated per year on the basis of $25 million for 1962, it would equal $25,000 per area in fiscal 1962, $350,000 in fiscal 1963, and $225,000 per area in fiscal 1964. Despite this, the administration proposal is being advertised as the answer to unemployment when even Mr. Meany's—president of AFL–CIO—testimony shows that the total $600 million would employ only 60,000 more persons over the total 3-year period, or an average of 20,000 per year directly attributable to Federal expenditures.

Taking Mr. Meany's further analysis that this 60,000 would, when considering local participating funds, be increased by 30,000 more and the indirect additional employment as the result of additional consumer purchases, and so forth, would add another 125,000 then the total average annual increase would still only be 75,000 per year, or about 83 persons per depressed area annually directly and indirectly employed which, of course, is an inflated figure because the employment in depressed areas would probably be limited to the 90,000 over the 3-year period, or an average of 33 persons per year, resulting from actual construction which includes both Federal and State and local funds. These figures, plus the analysis which follows, clearly show that this public relations approach is not the answer to the problem. Further, that failure of this administration to take many of the administrative actions that the Eisenhower administration took amounts to a failure on the part of the New Frontier to meet the problems even with the solutions presently available.

When added to these facts is the further fact that the administration is refusing to spend even available appropriated funds under authorized programs to help in unemployment areas it proves conclusively that this public works bill approach is largely for public relations and window dressing to get the administration off the spot for failing to carry out its promises of programs to employ the unemployed, particularly in labor depressed or area redevelopment areas. As examples of unexpended funds under authorized programs, according to testimony before our Subcommittee on Public Works, there is presently in existence $1.6 billion in urban renewal funds, $500 million in community facilities funds, $89 million of the $90 million authorized in area redevelopment funds and $300 million being held up in direct VA loan funds.

An Executive order to accelerate these programs, which is one approach the Eisenhower administration took in the 1958 recession, is an available tool which the administration to date has refused to use but, as a matter of fact, is directly the fault of the administration and of the President, himself, who, in January, announced to the public that he was advising all agencies to curtail expenditures wherever possible because of the foreseeable substantial deficit. The inconsistency of the New Frontier approach then, in ordering cutbacks, and now in requesting more Federal funds for public works, is obvious.

If public works is an answer then the President only has to issue an order to accelerate the expenditure of available funds in presently authorized funds. The direct long-range solution, however, lies in the encouragement of private enterprise to expand its activities and thus increase employment opportunities. This cannot be done when the administration is constantly taking an antiprivate enterprise posture. This cannot be done when the administration refuses to follow the Republican proposal for accelerated depreciation allowances. This cannot be done when the New Frontier is proposing the arbitrary 20-percent withholding on dividends which is bound to discourage broad private investments in free enterprise. This cannot be done when the administration is proposing changing the tax laws regarding foreign investments and foreign production by domestic corporations, putting U.S. private enterprise at a disadvantage when it is attempting to compete overseas and attempting to fill the gap in economic development in many foreign countries. A long-range approach to unemployment is needed, including a realization that automation and constantly increased labor demands for greater benefits that do not result in increased production, is resulting, not only in inflation, but also in some consumer resistance to higher priced goods.

The analysis on this subject follows:

APRIL 2, 1962.

Memorandum to: Hon. WILLIAM C. CRAMER.
From: Clifton W. Enfield, minority counsel.
Subject: Comparison of antirecession actions taken in the 1958 recession with the President's proposal for a $600 million capital improvements program.

Pursuant to your request, I have prepared a brief comparison of the highlights of the antirecession actions taken in the 1958 recession with the proposal by President Kennedy for legislation to authorize immediate initiation of a $600 million capital improvement program, which is transmitted herewith. I understand you wish to compare the effectiveness of actions taken by the Eisenhower administration with the anticipated results to be obtained by implementation of the President's proposal.

The Bureau of the Budget in its report entitled Federal "Fiscal Behavior During the Recession of 1957–58" has generally concluded that many of the deliberate countercyclical actions taken by the administration at that time made small contribution to the recovery or were poorly timed; whereas the biggest boost to the economy resulted from automatic built-in stabilizers which required no action on the part of the administration.

ANALYSIS

On January 13, 1961, Maurice H. Stans, Director of the Bureau of the Budget, transmitted to President Eisenhower a staff report entitled "Federal Fiscal Behavior During the Recession of 1957–58." This is a most informative report of fiscal policies and fiscal actions actually taken in the 1958 recession and the results thereof, which can be of great assistance to the present and future administrations and Congresses in shaping policies to counteract economic recession and its attendant unemployment.

In his letter transmitting the report, Mr. Stans pointed out that among the major findings of the report are:

"1. The fiscal actions of the Government which gave the biggest boost to the economy in 1958 were the 'built-in stabilizers,' such as automatic decreases in income tax revenues and automatic increases in unemployment benefits which took effect under existing law without the need for policy action by either the executive branch or the Congress.

"2. Many of the deliberate countercyclical actions, including some of the largest in terms of expenditures, made a small contribution in relation to their budgetary cost or were poorly timed. A major exception was the temporary extension of benefits for the unemployed who exhausted benefits under State programs, which worked promptly and efficiently. This suggests the need to make some long-range improvements in the regular Federal-State unemployment compensation system, which would prevent the periodic need for emergency action involving unexpected drains on the Federal budget."

Discretionary actions which had as their primary purpose counteracting the recession fell into two categories—strictly (except for supplemental appropriations) administrative actions, and those involving congressional action, as follows:

Strictly administrative action:

"1. Speedup in construction rates on direct Federal public works projects already underway, primarily water resource projects of the Corps of Engineers, the Bureau of Reclamation, and the Department of Agriculture, but also projects involving a number of other agencies. This item is listed as administrative rather than legislative, although supplemental appropriations for fiscal 1959 had to be requested in some cases.

"2. Encouragement of faster private and State-local action on urban renewal, college housing, community facilities under Federal loans, public housing, airports, hospitals, and construction supported by loans to REA cooperatives. In some of these cases funds that had been held in reserve were released or apportioned to the agencies for spending earlier than they might have been in the normal course of events. In other cases, the action consisted of exhortation only.

"3. Speedup within fiscal 1958 of agency procurement of supplies, materials, and equipment. (A separate action, advance procurement of 1959 supplies, materials, and equipment, which involved legislation, is listed below.)

"4. Speedup early in calendar 1958 in processing and payment of tax refunds.

"5. Liberalization of FHA and VA housing rules with respect to closing costs, discount allowances, permissible interest rates, and insurance premiums; and speedup in processing FHA loan applications.

"6. Release of budgetary reserves in various FNMA special assistance mortgage purchase programs.

"7. Liberalization of eligibility rules for Farmers Home Administration loans.

"8. Emphasis on labor surplus areas in procurement contracts placed by Defense Department and GSA."

Congressional action:

"1. Temporary extended unemployment compensation (Public Law 85–441 enacted June 4, 1958) which provided Federal funds with which States could pay benefits to unemployed individuals who exhausted their benefit rights for half as long again as they were able to collect under the regular State programs.

"2. Housing Act of 1958 (Public Law 85–364 enacted April 1, 1958) which authorized, among other things, a reduction in minimum downpayments on FHA-insured mortgages, $1 billion for special assistance purchase by FNMA of mortgages on new homes costing $13,500 or less, and $50 million in FNMA special assistance purchases of mortgages on military housing.

"Other provisions of Public Law 85–364, such as renewal of the expiring VA direct loan program, may also have had some counterrecession aspects, but would probably have occurred anyway and are not regarded here as antirecessionary.

"3. Advancement of procurement of fiscal 1959 supplies, materials, and equipment. Public Law 85–386, enacted April 24, 1958, authorized agencies to order (or buy) in 1958, if possible, up to 50 percent of amounts proposed in the January budget for 1959 supplies, materials, and equipment, whether or not the appropriation had been enacted, said amounts to be chargeable against 1959 appropriations when finally enacted.

"4. Highway Act of 1958 (Public Law 85–381 enacted April 16, 1958). This bill increased (above and beyond amounts authorized in previously existing law) (a) 1959 authorizations for the interstate, ABC, and forest and public lands highways, (b) 1960 and 1961 authorizations for Interstate highways, and (c) 1960 authorizations for forest and public lands highways. In addition, it provided for an advance to 1959 of ABC authorizations to be repaid from 1961 and 1962 authorizations, and, to make apportionments against these various authorizations possible, it waived, with respect to apportionment of the 1959 and 1960 authorizations, the (pay-as-you-go) requirement of the basic highway legislation."

The budget and trust fund impact of the major discretionary antirecession actions are indicated upon the table below which is contained in the report. The figures as shown there lend support to the widely held view that discretionary increases in expenditures to combat a recession are slow to start and slow to be turned off again, with the result of poor timing from the standpoint of helping the economy. As the figures indicate, the budgetary impact was much larger in fiscal 1959 than in fiscal 1958. By comparison, the economy reached its low point in the January–March quarter of 1958 (the third quarter of fiscal 1958), and rose steadily through fiscal 1959. Further substantial budgetary effects remained in 1960, and even later.

Estimated budgetary and trust fund impact of major discretionary antirecession actions taken in the 1958 recession—Fiscal year increase in expenditures [1]

[In millions of dollars]

	1958	1959	1960	1961 and later	Remarks
Administrative actions:					
Water resources; speedup of construction rates on going projects.	50	120	60	[2] 25	The figures are extremely subjective, since costs of speedup are not separable from other costs.
Farmers Home Administration, liberalization of eligibility for loans for home improvement.	.....	10	2	−12	Figures represent rough estimate of the portion of expenditures attributable to the easing of eligibility rules. They are in addition to increases in expenditures that would have occurred.
Legislative actions:					
Temporarily extended unemployment compensation (repayable advances to States) (Public Law 85–441).	48	447	−13	−482	Program as originally passed was to expire Apr. 1, 1959; benefits were subsequently extended for claimants filing before Apr. 1, 1959. Repayments (due by 1963) will be miscellaneous receipts rather than negative expenditures.
FNMA special assistance, purchase of mortgages on homes costing $13,500 or less (Public Law 85–364):					
Purchases	.....	657	186	.....	Authorization was for $1 billion; attrition estimated at $157 million.
Repayments	.....	−4	−14	−839	Negative figures represent par sales and repayments, excluding interest income.
FNMA special assistance, purchase of mortgages on military housing (Public Law 85–364).	.....	.....	25	−25	Interest income excluded from eventual sales amount.
Advance procurement (Public Law 85–386).	6	−6	.....	.....	No estimate available of the shift in purchases within 1959.
Federal-aid highways (Public Law 85–381):					
Increase in 1959 primary, secondary, and urban (A–B–C) highway authorizations and advance of 1961 and 1962 A–B–C highway authorizations.	.....	262	241	−103	
Increase in 1959 and 1960 interstate authorizations and in 1959 and 1960 authorizations for forest and public lands highways.	.....	20	156	334	Estimates for interstate portion based on past experience of how fast apportionments result in spending since actual expenditure figures are merged with those from other interstate authorizations.
Total, budget and highway trust funds.	104	1,506	643	334 +25 −1,461	(Interstate highways) per year (public works) in recoveries and reimbursements.

[1] This table does not show changes which took place within the fiscal year without affecting the fiscal year totals.
[2] Per year.

The following table, also contained in the report, supplements the above table by showing the total levels for some of the programs for which only the antirecession add-ons appear in the table above:

Budget or trust fund expenditure totals for selected programs affected by antirecession actions (expenditures except where noted)

[In millions of dollars]

	Fiscal year				
	1957 actual	1958 actual	1959 actual	1960 actual	1961 current estimate [1]
Public works expenditures, water resources, and related activities [2]	969	971	1,024	1,080	1,221
Farmers Home Administration, farm housing loans (obligations)	21	33	61	43	40
Highways, grants to States:					
Primary, secondary, and urban (ABC)	729	791	1,095	923	902
Interstate system	296	673	1,481	1,901	2,078
Total	2,015	2,468	3,661	3,947	4,241

[1] 1962 budget document, January 1961.
[2] Comparable to data in table 7 of "Federal Activities in Public Works and Other Construction," a special analysis which accompanies the annual Federal budget document each year.

The report continues by pointing out the economic impact of the several actions taken. The economic effect of temporary unemployment compensation was significant and timely and rated high from the standpoint of efficiency. Speedup of going water resources construction was also relatively efficient in economic effect per dollar of budget outlay; however, this type of action rated low from the standpoint of reversibility, and the opportunities for speedup in this field are definitely limited. The effectiveness of advance procurement was disappointing. Two of the largest antirecession undertakings—FNMA special assistance and Federal-aid highways—appear to have been relatively inefficient from the standpoint of economic and employee effect per dollar of Federal outlay. The Highway Act of 1958 also appears to have entailed high Federal expenditures for the amount of immediate employment created.

The report summarizes the good and bad features of the discretionary actions taken according to what are believed to be some of the more important criteria and also rates them against the built-in stabilizers, as follows:

Tentative rating of the major countercyclical policies employed in the 1957–58 recession

	Relative economic impact [1]	Efficiency, impact per dollar of immediate Federal outlay or income	Reversibility
Built-in stabilizers:			
Receipts:			
Individual income taxes	Large	Good	Good.
Corporation income taxes	do	Fair to good	Do.
Excise taxes	do	do	Do.
Expenditures:			
Unemployment trust fund, withdrawals by States.	do	Good	Do.
Other unemployment programs.	Medium	do	Do.
Discretionary actions:			
Administrative:			
Construction speedup, direct Federal public works.	do	do	Poor.
Encouragement of faster private and State-local construction activities.	Small	do	Fair.
Advance procurement (fiscal 1958).	do	do	Good.
Speedup in tax refunds	Medium	do	Do.
Liberalization of FHA and VA housing rules and speedup in processing FHA applications.	do	do	Poor.
Discretionary actions—Continued			
Release of reserves in various FNMA special assistance programs.	Medium	Good	Good.
Liberalization, farm housing loans.	Small	Fair	Poor.
Emphasis on labor surplus areas in letting of contracts.	do	Good	Good.
Involving congressional action:			
Temporary extended unemployment compensation.	Large	do	Do.
FNMA special assistance	Medium to large	Poor	Do.
Reduction in FHA and VA downpayment requirements.	do	Good	Poor.
Advance procurement (fiscal 1959).	Small	do	Good.
Federal-aid highways:			
ABC	Large	Fair	Fair.
Interstate and other	Small	do	Poor.

[1] Relative economic impact in this tabulation is really a combination of size and speed of economic impact. A designation "large" in column one means that, by the end of fiscal 1959, the impact on the economy is judged to have totaled anywhere from about $200 million or more. A designation "small" means an economic impact of less than $20 or $30 million by the end of fiscal 1959. In some cases the classification has to be made on a subjective or arbitrary basis.

In his letter transmitting a draft of proposed legislation for an immediate $600 million capital improvement program, the President stated that if legislation and the supporting appropriations are enacted promptly, expenditures under this program would be approximately $25 million in the remaining months of fiscal 1962, $350 million in fiscal 1963, and $225 million in the early months of fiscal 1964. When compared with the expenditures resulting from major discriminatory actions taken to combat the 1958 recession, in the amounts of $104 million in fiscal 1958, $1,506 million in fiscal 1959, and $643 million in fiscal 1960, and increased totals for water resource public works, Farmers Home Administration and highways increasing from $2 to $4 billion from 1957 to 1960, it appears that the President's proposal would have little beneficial economic impact. It appears even less justified when measured in terms of new jobs which will be created.

As stated before, according to the most optimistic testimony of Mr. George Meany, President of the AFL–CIO, when he appeared before the House Committee on Public Works on March 29, 1962, in support of the President's proposal, the $600 million of Federal funds, plus matching State funds, would only create about 90,000 on-site and off-site jobs. He further testified that the earnings spent by these new workers would result in approximately 135,000 additional jobs in consumer industries and in wholesale and retail trades, for a total overall increase of approximately 225,000 jobs. When viewed in light of the present national unemployment of approximately 4,543,000 persons, it is obvious that the President's proposal would not substantially relieve unemployment.

The on-site and off-site jobs created would provide for only about 2 percent of the national unemployed, and the total of all jobs which might be created would provide work for no more than about 5 percent of the national unemployed. And these optimistic figures assume that those now unemployed would be given these new jobs, rather than presently employed workers being paid overtime compensation, particularly where public works projects now underway are accelerated.

To reduce the seasonally adjusted unemployment rate for February 1962, of 5.6 percent to the generally accepted goal of 4 percent would require the creation of approximately 1,298,000 new jobs, at a cost in pump-priming public works, if that is the approach to be used, of over $3 billion annually (it would cost over $18 billion to put all presently unemployed to work); whereas the President's proposal would create only 225,000 jobs, at most, which is approximately 17 percent of the additional jobs required to bring unemployment down to the 4-percent level. Based upon Mr. Meany's testimony that $1 million of construction expenditures will create approximately 250 on-site, off-site, and other jobs for 1 year, a 1-year capital improvement program involving expenditures in excess of $5 billion would be required to bring unemployment down to 4 percent. Obviously, we cannot spend ourselves into prosperity in this fashion.

A solution to the problem which will be more effective than the President's proposal must be found if those who are now unemployed and wish to work are to be given the opportunity to do so.

WHO ARE HCUA'S ENEMIES?

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. SCHERER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. SCHERER. Mr. Speaker, Communist propagandists both here and abroad have had a field day echoing the contents of a full-page advertisement placed in the New York Times on February 22 by more than 600 persons who called for the House of Representatives to abolish the Committee on Un-American Activities. I think my colleagues are entitled to know the backgrounds of many of the key persons who participated in this smear job on the committee. I therefore include the following analysis of the ad and its sponsors at this point in the RECORD:

AN ANALYSIS—REPORT ON A RECENT SMEAR ATTACK AGAINST THE HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES

Functioning as a standing committee of the House of Representatives under mandates of the Congress of the United States, the House Committee on Un-American Activities (HCUA) courageously protects the Nation by continuous investigation of the extent, character, and objects of un-American propaganda activities in America. In fulfilling its legislative role, the HCUA seeks to develop factual information on the administration and operation of the Internal Security Act of 1950, the Communist Control Act of 1954, the Foreign Agents Registration Act, and various criminal statutes relating to sedition, treason, and subversion.

The HCUA has inflicted serious damage on subversive elements advocating the destruction of our Nation's precious sovereignty. Through the sponsoring of remedial legislation countering subversion and the publishing of documented reports (including transcripts of hearings except unreleased testimony taken in executive sessions), the HCUA has been highly successful in thoroughly exposing numerous activities of the Communist Party, U.S.A. As a result of the effectiveness of the HCUA, this congressional committee has become a prime target of attack by both domestic and international Communist and Communist-front organizations, including Soviet-controlled governments.

In a broadcast of February 28, 1962, beamed toward certain European countries, Radio Moscow (official agency of the Union of Soviet Socialist Republics) viciously attacked the HCUA by condemning it as a detriment to the American people. The broadcast specifically referred to "a declaration by 600 (sic) respected figures published in New York, appealing for the dissolution of the Un-American Activities Committee." According to the Soviet pronouncement, "this expressive document points out that U.S. citizens are sent to prison for refusal to disclose their personal views to the inquisitors. It (declaration) states that this notorious committee endangers democracy and national independence by its actions, dilutes elementary democratic rights anchored in the (U.S.) Constitution, encourages racial incitement by equating the struggle for civil rights with so-called subversive activities, detracts attention from the critical international situation and promotes arch reactionary traditions in American life."

The declaration mentioned in the Soviet broadcast was in reference to a full-page advertisement appearing in the February 22, 1962, edition of the New York Times. Signed by 613 individuals representing many diverse professions, the advertisement was actually an appeal to the House of Representatives to abolish the House Committee on Un-American Activities. According to the exact phraseology of the advertisement, the appeal stated that the HCUA "threatens democracy by: introducing the alien concept of a political test into our public life (and) encouraging corrosive mutual suspicion." The advertisement also stated that the HCUA "threatens national security by: dividing the Nation; setting neighbor against neighbor—depriving the Nation of the benefits of free discussion—diverting attention and energy from the critical world situation to the minuscule domestic Communist movement (and) creating doubt among the peoples of the world who look to us for a living example of the values of freedom." In a broadside smear against the HCUA, the advertisement characterized the House committee as an "engine of oppression" which must be prevented "from destroying our freedom and security."

Financial support for the advertisement was "contributed by many" signers of the appeal. The advertisement reflected that it was under the sponsorship of an Ad Hoc Committee of 160 North 15th Street, Philadelphia, Pa., of which Clarence E. Pickett and James Imbrie are chairman and treasurer, respectively. Imbrie, who has been affiliated with at least eight organizations cited as subversive by the HCUA, was instrumental in inserting a similar HCUA "abolition" petition in the New York Times of February 9, 1961. Interestingly, the entire February 22, 1962, advertisement was photographically reduced in size and published in the March 4, 1962, edition of the Worker, official newspaper of the Communist Party, U.S.A.

THE VICIOUS ATTACK IS REFUTED

Seriously disturbed over the New York Times advertisement and certain of those individuals affiliated with this "abolition" appeal, the patriotic American Jewish League Against Communism, Inc., released a statement to the press on February 28, 1962. Due to the forthright and timely nature of the league's statement, the entire release was inserted in the March 1, 1962, issue of the CONGRESSIONAL RECORD. The league stated in part as follows: "On Thursday, February 22, 1962, the New York Times published a full-page paid advertisement calling for the abolition of the House Committee on Un-American Activities. The advertisement was signed by some 610 (actual count 613) persons, many of whose names consistently appear on public statements advocating Communist-inspired positions in the United States."

The league declared: "To the unsophisticated reader, it might seem that the presence of names of rabbis in this statement (February advertisement) indicates that the American-Jewish community—in large measure—opposed the purposes of the HCUA. This is an incorrect appraisal of the situation. Marxism is abhorrent to Jews because it is a negation of the thousands of years of religious traditions of the Jews. Along with the overwhelming majority of Americans of all faiths and political parties, the American-Jewish community supports in principle the work of the HCUA and other duly constituted bodies which deal with the menace of communism as it affects this Nation."

According to the league's statement, "We recognize that our country is in constant jeopardy from Communist attack and subversion from both within and without our shores. We recognize that it is the duty of responsible agencies of our Government, such as the HCUA, and indeed, the duty and responsibility of every American—to exert all efforts to uncover and expose the activities of avowed enemies of our country and their agents. The American Jewish League Against Communism cannot speak for the entire American-Jewish community. No individual or organization can do so. However, on behalf of our officers, members, and friends in the Jewish communities throughout the country, we take this opportunity to reject the counsels of those who signed this advertisement and who would weaken our Nation's vigilance against our enemies. We call instead for ever greater efforts in mobilizing and informing the American people so that all appropriate action may be taken to weaken and ultimately destroy those who would threaten our freedom."

A COMPILATION OF PATTERNS

Documented public source information reveals that of the 613 signers of the February 22, 1962, advertisement appearing in the New York Times, approximately 30 percent of these persons have been affiliated with certain other enterprises or projects having varied objectives. An alphabetized statistical report follows; however, this does not imply that any individual listed herein is an identified Communist, Communist-fronter or supporter of pro-Communist causes, unless specifically identified as such:

Of the aforementioned signers of the anti-HCUA advertisement, 17 individuals were publicly identified as having been members of the Communist Party by congressional investigating committees or the Subversive Activities Control Board. They are: Ernest DeMaio, Benjamin Dreyfus, Robert W. Dunn, Rockwell Kent, Corliss Lamont, Prof. Lee Lorch, Seymour Mandel, Rev. Jack R. McMichael, George B. Murphy, Jr., Dr. Otto Nathan, Harvey O'Connor, John W. Porter, David Rein, Mrs. Rose V. Russell, Rev. William B. Spofford, Prof. Dirk J. Struik, and Rev. Claude C. Williams.

The Senate Internal Security Subcommittee, in its 1956 comprehensive report on the Communist Party, U.S.A., entitled "A Handbook for Americans," listed the names of the "most typical sponsors of (Communist) front organizations." Among those listed in this category were the names of the following 24 persons who signed the February appeal to abolish the HCUA: Elmer A. Benson, John W. Darr, Jr., Rev. Jerome Davis, Robert W. Dunn, Thomas I. Emerson, Philip Evergood, Prof. Robert J. Havighurst, James Imbrie, Robert W. Kenny, Rockwell Kent, Freda Kirchwey, Corliss Lamont, Rev. Jack R. McMichael, Carey McWilliams, Prof. Clyde R. Miller, Prof. Philip Morrison, Hugh N. Mulzac, Mrs. Rose V. Russell, Prof. Harlow Shapley, Rev. Guy Emery Shipler, Rev. William B. Spofford, I. F. Stone, Prof. Dirk J. Struik, and Dr. Willard Uphaus.

(A. J. Muste, a signer of the February anti-HCUA advertisement, was mentioned in a 1957 Senate Internal Security Subcommittee publication as one "who has long fronted for Communists and who recently circulated an amnesty petition calling for the release of Communist leaders convicted under the Smith Act.")

On October 9, 1961, a petition signed by 322 individuals was submitted to President John F. Kennedy urging "Executive action to halt further proceedings under the Internal Security Act and the membership provisions of the Smith Act." In effect, the petitioners were asking the President to use his Office to terminate the prosecution of the Communist Party and party membership for its illegal activities. The petitioners also requested that the President ask Congress to repeal the aforementioned Internal Security Act. Seventy-two of these petitioners were listed as signers of the February 1962 advertisement advocating the abolition of the HCUA.

They are Rev. Gross W. Alexander, Rev. Paul J. Allured, Katharine M. Arnett, Rev. Frederic E. Ball, Rev. Lee H. Ball, Elmer A. Benson, Prof. Derk Bodde, Rev. Karel F. Botermans, Rev. Walter Russell Bowie, James L. Brewer, Dr. Dorothy Brewster, Rev. Raymond Calkins, Prof. Rudolf Carnap, Prof. John W. Caughey, Rev. Chester V. Chambers, Prof. Robert S. Cohen, Prof. Ephraim Cross, Ossie Davis, Benjamin Dreyfus, Prof. Kermit Eby, Mrs. Phyllis Edgecumbe, Philip Evergood, Lincoln Fairley, Fyke Farmer, Rev. W. W. Finlator, Prof.

Joseph Fletcher, Rabbi Robert E. Goldburg, Dr. Alice Hamilton, E. Y. Harburg, Pearl M. Hart, Mrs. Dorothy Haven, Hugh B. Hester, Rev. Charles A. Hill, Rev. John Haynes Holmes, Rev. William Ernest Hocking, Leo Huberman, Robert W. Kenny, Rockwell Kent, Freda Kirchwey, Corliss Lamont, Dr. Walter Landauer, Rev. William P. Lemon, Prof. C. F. Littell, Bishop Edgar A. Love, Rev. Warren H. McKenna, Seymour Mandel, Rabbi Israel Margolies, Lafayette Marsh, Dr. Leo Mayer, Prof. Clyde R. Miller, Rev. Walter Mitchell, Stanley Moffatt, Prof. Philip Morrison, Rev. Arthur W. Moulton, Hugh N. Mulzac, George B. Murphy, Jr., Dr. Otto Nathan, Rev. Clarence T. R. Nelson, Rev. J. Pierce Newell, Harvey O'Connor, Rev. Clarence Parker, Rev. Malcolm E. Peabody, Rabbi Michael A. Robinson, Mrs. Rose V. Russell, Prof. Karl De Schweinitz, Rev. William B. Spofford, Prof. Arthur L. Swift, Jr., Dr. Willard Uphaus, Mrs. Clara M. Vincent, Rev. Claude C. Williams, Rev. David Rhys Williams, and A. L. Wirin.

The American Committee for Protection of Foreign Born (ACPFB) of 49 East 21st Street, New York, N.Y., is "one of the oldest auxiliaries of the Communist Party in the United States," according to the 1961 edition of the HCUA's "Guide to Subversive Organizations and Publications." The HCUA reported that this group was recently "found to be a 'Communist-front organization' within the meaning of the Internal Security Act of 1950 and ordered to register as such with the (U.S.) Attorney General." A leaflet distributed by the ACPFB in December 1961 contained the names of its current sponsors. Of these individuals, the following 24 ACPFB sponsors signed the advertisement attacking the HCUA: Rev. Paul J. Allured, James Aronson, Rev. Lee H. Ball, Elmer A. Benson, Dr. Dorothy Brewster, Prof. Ephraim Cross, Dr. Royal W. France, Dr. Alice Hamilton, Rev. Charles A. Hill, Robert W. Kenny, Dr. Walter Landauer, Prof. C. F. Littell, Prof. Oliver S. Loud, Rev. Warren H. McKenna, Rev. Walter Mitchell, Rev. Arthur W. Moulton, George B. Murphy, Jr., Dr. Otto Nathan, Harvey O'Connor, Rev. Clarence Parker, Prof. Dirk J. Struik, Dr. Willard Uphaus, Prof. Leroy Waterman, and Rev. Loyd F. Worley.

(NOTE.—The Reverend Moulton was also listed as the ACFB's honorary co-chairman and both Reverend Hill and Dr. Uphaus were named as co-chairmen.)

A recent report of the HCUA disclosed that an organization called the National Committee to Abolish the Un-American Activities Committee (NCAUAC), 555 North Western Avenue, Los Angeles, Calif., was established in the summer of 1960 "to lead and direct the Communist Party's 'Operation Abolition' campaign" against this congressional committee. The NCAUAC has been cited as a subversive organization by the HCUA. The following seven members of the NCAUAC's national committee signed the February advertisement in the New York Times: James Imbrie, Robert W. Kenny, Mrs. Dorothy Marshall, Harvey O'Connor, Dr. Otto Nathan, Russell Arthur Nixon, and Aubrey W. Williams.

(NOTE.—Key officers of the NCAUAC include Williams, chairman; Mrs. Marshall, secretary; and Kenny, treasurer.)

The New York branch of the NCAUAC is called the New York Council To Abolish the House Un-American Activities Committee of 150 West 34th Street, Manhattan. A February 1962 letterhead of the New York council disclosed the names of its officers and advisory committeemen, nine of whom signed the advertisement condemning the HCUA; namely, Rev. Lee H. Ball, Carleton Beals, Prof. Ephraim Cross, Dr. Leo Mayer, Dr. Alexander Meiklejohn, Dr. Otto Nathan, Henry Neumann, Prof. Norman Redlich, and Prof. William Vickrey.

(NOTE.—Listed among NCAUAC's New York council leadership are Nathan, chairman; Reverend Ball, treasurer; and Dr. Meiklejohn, honorary chairman.)

One of the organizations affiliated with the NCAUAC's program is the Chicago Committee To Defend the Bill of Rights, of 189 West Madison Street, Chicago, Ill., formerly known as the Chicago Committee To Defend Democratic Rights. Hearings recently conducted by the HCUA clearly established that both Chicago committees have functioned under the leadership of identified members of the Communist Party. A 1961 letterhead of the Chicago Committee to Defend the Bill of Rights contained the names of its officers and directors. Interestingly, the following seven members of the board of directors of the Chicago committee signed the advertisement calling for the abolition of the HCUA: Rev. Frederic E. Ball, Leo Berman, Prof. Kermit Eby, Pearl M. Hart, Prof. Robert J. Havighurst, Prof. Curtis D. MacDougall, and Lafayette Marsh.

The Emergency Civil Liberties Committee (ECLC), a nationwide organization with headquarters at 421 Seventh Avenue, New York, N.Y., functions for the avowed purpose to abolish the HCUA and discredit the FBI. In citing the ECLC as a subversive group, the HCUA reported that the ECLC, "established in 1951, although representing itself as a non-Communist group, actually operates as a front for the Communist Party. It has repeatedly assisted, by means of funds and legal aid, Communists involved in Smith Act violations and similar legal proceedings. One of its chief activities has been and still is the dissemination of voluminous Communist propaganda material." Twenty-nine current ECLC officers and national councilmen signed the New York Times advertisement attacking the HCUA.

The signers are: James Aronson, Prof. Stringfellow Barr, Prof. Robert S. Cohen, Joseph H. Crown, Benjamin Dreyfus, Prof. Thomas I. Emerson, Clark Foreman, Dr. Royal W. France, Prof. E. Franklin Frazier, Rabbi Robert E. Goldburg, Prof. Fowler V. Harper, Leo Huberman, Robert W. Kenny, Corliss Lamont, Conrad J. Lynn, Prof. Curtis D. MacDougall, Carey McWilliams, Prof. Clyde R. Miller, Dr. Broadus Mitchell, Prof. Philip Morrison, Russell Arthur Nixon, Harvey O'Connor, Prof. Helen U. Phillips, Prof. Norman Redlich, David Rein, Prof. Arnold A. Rogow, Rev. Guy Emery Shipler, Mrs. Edith Tiger, and Prof. H. H. Wilson.

(NOTE.—ECLC top leadership includes O'Connor, chairman; Lamont, vice chairman; Foreman, director; and Mrs. Tiger, assistant director. James Imbrie was formerly a member of the ECLC national council.)

In a vicious attack against the June 5, 1961, decision of the Supreme Court in upholding the constitutionality of the registration and disclosure provisions of the Internal Security Act and the membership clause of the Smith Act, the ECLC inserted a paid advertisement in the October 2, 1961, edition of the Washington Post. In effect, the October advertisement was a protest against the Federal Government's prosecution of the Communist Party and its leadership. Included among the signatories of the ECLC statement were the names of 25 persons who signed the February 1962 advertisement in the New York Times, as follows: Rev. Frederic E. Ball, Prof. Stringfellow Barr, Prof. Gerald A. Bertin, Prof. Derk Bodde, Dr. Dorothy Brewster, Dr. Allan M. Butler, Prof. Robert S. Cohen, Philip Evergood, Dr. Royal W. France, Rabbi Robert E. Goldburg, Mrs. Dorothy Haven, Hugh B. Hester, Leo Huberman, Dr. Horace M. Kallen, Rockwell Kent, Mrs. Emily C. P. Longstreth, Walter C. Longstreth, Prof. Curtis D. MacDougall, Seymour Mandel, Dr. Alexander Meiklejohn, Prof. Clyde R. Miller, Harvey O'Connor, Prof. Arnold A. Rogow, Mrs. Rose V. Russell, and Rev. Peter Lee Scott.

The Washington Area Committee for the Abolition of the House Un-American Activities Committee of Post Office Box 3595, Washington, D.C., was established in the summer of 1961 for the purpose of educating the "public to the undemocratic and unconstitutional nature of the HCUA, to gather support for activities in the nationwide campaign for its abolition, and to help those who have become its victims." The Washington area committee maintains a legislative office in room 108, 200 C Street SE, Washington, D.C. The Reverend Theodore R. Bowen, chairman, of the Washington area committee, signed the February 22, 1962, advertisement attacking the HCUA.

An active group operating in the religious field is the Methodist Federation for Social Action (MFSA), located at 11 Forest Boulevard, Ardsley, N.Y. Cited as a Communist-front by the Senate Internal Security Subcommittee, the MFSA is not affiliated in any way with the Methodist Church. Within the past several years, the MFSA has published or otherwise disclosed the names of some of its membership. Of these individuals, the following 20 MFSA members and supporters signed the February advertisement condemning the HCUA: Rev. Gross W. Alexander, Rev. Frederic E. Ball, Rev. Lee H. Ball, Prof. Irwin Ross Beiler, Dr. Corinne Chamberlin, Rev. Chester Chambers, Rev. Don M. Chase, Rev. B. F. Crawford, Dr. Jerome Davis, Prof. Kermit Eby, Bishop Edgar A. Love, Rev. Walter McCleneghan, Rev. Howard D. McGrath, Rev. Jack R. McMichael, Prof. Clyde R. Miller, Rev. Clarence T. R. Nelson, Rev. J. Pierce Newell, Dr. Willard Uphaus, Mrs. Clara M. Vincent, and Rev. Loyd F. Worley.

(NOTE.—MFSA officers include Bishop Love, president; Reverend Nelson, vice president; and Reverend Ball, executive secretary and editor of MFSA's newsletter, Social Questions Bulletin.)

The HCUA has characterized the National Lawyers Guild (NLG) of 38 Park Row, New York, N.Y., as the "foremost legal bulwark of the Communist Party, its front organizations, and controlled unions." In citing the NLG as a Communist-front, the HCUA revealed that the guild "has never failed to rally to the legal defense of the Communist Party and individual members thereof, including known espionage agents." Thirty-two individuals listed as current members of the NLG signed the advertisement in the New York Times. They are: Benjamin Algase, Leo Berman, Morris Bogdanow, James L. Brewer, Prof. Ephraim Cross, Joseph H. Crown, Benjamin Dreyfus, Prof. Thomas I. Emerson, Stanley Faulkner, Dr. Royal W. France, Prof. Fowler V. Harper, Pearl M. Hart, Len Holt, Stanley M. Isaacs, Robert W. Kenny, Norman Leonard, Morton Leitson, Walter C. Longstreth, Harry Lore, Seymour Mandel, Francis J. McTernan, Irving Meyers, Erwin Miller, Hugh B. Miller, Stanley Moffatt, Richard W. Petherbridge, Abraham L. Pomerantz, John W. Porter, David Rein, Dean A. Robb, Catherine G. Roraback, and A. L. Wirin.

(NOTE.—NLG officers include Dreyfus, president; and Emerson, France, and Kenny, vice presidents.)

Southern Conference Educational Fund, Inc. (SCEF), successor of the Southern Conference for Human Welfare, was cited as a Communist-front by the Senate Internal Security Subcommittee in 1956. The SCEF maintains its national office at 822 Perdido Street, New Orleans, La. A 1961 letterhead contained the names of SCEF's officials, 16 of whom signed the February 1962 advertisement attacking the HCUA; namely, Dean Julia F. Allen, F. Woods Beckman, Ellinor H. Behre, Dr. Eldon Dennis, Rabbi Herbert E. Drooz, Rev. W. W. Finlator, Prof. E. Franklin Frazier, Dr. Walter E. Hager, Rev. Daniel

J. Hughlett, Rev. Floyd M. Irvin, Dr. Herman H. Long, Bishop Edgar A. Love, Dr. Marion Pearsall, Dr. W. Carson Ryan, Rev. O. L. Sherrill, and Aubrey W. Williams.

(NOTE.—SCEF officers include Williams, president-emeritus; Bishop Love, president; and Dr. Long, vice president.)

Carl Braden, a SCEF field secretary, has been identified as a member of the Communist Party, U.S.A., in sworn testimony before the HCUA. Appearing before the HCUA on July 30, 1958, Braden refused to answer questions relative to his affiliations with certain subversive organizations. Braden was subsequently "convicted of contempt of Congress and sentenced to a year in jail as a result of his testimony." During his imprisonment in 1961, various petitions were submitted to President Kennedy urging clemency for Braden. One petition contained the names of the following 47 individuals who signed the February anti-HCUA advertisement: Katharine M. Arnett, Prof. Stringfellow Barr, James Baldwin, Dr. Algernon D. Black, Prof. J. N. Blankenship, Prof. Warren Bower, Prof. John W. Caughey, Grenville Clark, Ossie Davis, Rabbi Herbert E. Drooz, Prof. Kermit Eby, Philip Evergood, Rev. W. W. Finlator, Rabbi Oscar Fleishaker, B. W. Huebsch, Rev. Daniel J. Hughlett, Alfred Kazin, Dr. Martin Luther King, Jr., Freda Kirchwey, Rev. James M. Lawson, Jr., Dr. Herman H. Long, Walter C. Longstreth, Bishop Edgar A. Love, Prof. Curtis D. MacDougall, Carey McWilliams, Alfred Maund, Dorothy Maund, Dr. Alexander Meiklejohn, Prof. R. Clyde Minor, Rev. Walter Mitchell, Rev. Clarence T. R. Nelson, Henry Neumann, Dr. Reinhold Neibuhr, Harvey O'Connor, Prof. Howard L. Parsons, Dr. Marion Pearsall, Justine Wise Polier, Prof. C. Merrill Proudfoot, Prof. William G. Rice, Prof. Alfred Schuhmann, David H. Scull, Rev. Guy Emery Shipler, Burton H. Throckmorton, Jr., Prof. Paul Tillett, Prof. Robert M. White, Aubrey W. Williams, and Rev. David Rhys Williams.

A group found to be a Communist-front by the Subversive Activities Control Board is the National Council of American-Soviet Friendship, Inc. (NCASF) of 114 East 32d Street, New York, N.Y. Listed among the leadership of the NCASF are the following five current officers of this organization who signed the statement appearing in the New York Times: Elmer A. Benson, Rockwell Kent, Rev. Arthur W. Moulton, Rev. William B. Spofford, and Prof. Dirk J. Struik.

(NOTE.—Kent is the present chairman of the NCASF.)

The Committee To Secure Justice for Morton Sobell (CSJMS) is actively engaged in agitating for the release of Morton Sobell, currently serving a 30-year sentence for conspiracy to commit espionage on behalf of the Soviet Union. As a codefendant in the notorious Julius-Ethel Rosenberg case, Sobell was deeply involved in a Russian espionage network. The CSJMS, located at 940 Broadway, New York, N.Y., is the successor of the National Committee to Secure Justice for Morton Sobell in the Rosenberg case, cited as a Communist front by the HCUA. Listed among the current honorary sponsors of the CSJMS were the names of six persons who recently signed the anti-HCUA advertisement; namely, Rev. Gross W. Alexander, Prof. Kermit Eby, Rev. John E. Evans, Rabbi Robert E. Goldburg, Dr. Leo Mayer, and Mrs. Clara M. Vincent.

Three individuals presently affiliated with the San Francisco chapter of the aforementioned CSJMS who signed the New York Times advertisement are: Beniamino Bufano, Benjamin Dreyfus and Dr. Alexander Meiklejohn.

During the past 2 years an increasing number of petitions have been circulated in the United States requesting the President to commute the sentence of Sobell. For a variety of reasons known only to the petitioners themselves, an appalling number of clergymen have joined in the clemency appeal for this convicted Soviet espionage agent. The following 26 individuals who recently urged the commutation of Sobell's sentence were listed as having signed the February 1962 advertisement attacking the HCUA: Rev. Gross W. Alexander, Rev. Lee H. Ball, Dr. John C. Bennett, Rabbi Samuel A. Berman, Rabbi Elias Charry, Prof. Thomas I. Emerson, Rev. John E. Evans, Rabbi Moshe V. Goldblum, Rabbi Robert E. Goldburg, Rabbi Abram Vossen Goodman, Rabbi Simon Greenberg, Rev. John Haynes Holmes, Rabbi Philip Horowitz, Rabbi Daniel E. Kerman, Rabbi Isaac Klein, William Kunstler, Rabbi Arthur Lelyveld, Lewis Mumford, Dr. Reinhold Neibuhr, Rev. Victor Obenhaus, Clarence E. Pickett, Rabbi Michael A. Robinson, Rev. Peter Lee Scott, Rabbi Alan Mayor Sokobin, Rabbi Wilfred Solomon, and Rabbi Stanley Yedwab.

The Citizens Committee for Constitutional Liberties (CCCL) of 22 East 17th Street, New York, N.Y., was recently cited as a Communist-front by the HCUA. The CCCL principally functions as a defense organization for the Communist Party, U.S.A., and its leadership. Listed among the names of 32 current sponsors of the CCCL were 11 persons who signed the February 1962 anti-HCUA advertisement; namely, Rev. Lee H. Ball, Elmer A. Benson, Robert W. Dunn, Stanley Faulkner, Rockwell Kent, Dr. Leo Mayer, Hugh N. Mulzac, George B. Murphy, Jr., Dr. Otto Nathan, Dr. Willard Uphaus, and Mrs. Clara M. Vincent.

On September 23 and 24, 1961, the aforementioned CCCL staged a program called the National Assembly for Democratic Rights, cited as a Communist-front by the HCUA. Thirty-one of the following sponsors of CCCL's National Assembly project were listed as having signed the New York Times advertisement: Rev. Lee H. Ball, Elmer A. Benson, Paof. Derk Bodde, Prof. Rudolf Carnap, Prof. Ephraim Cross, Rev. John E. Evans, Stanley Faulkner, Dr. Royal W. France, Robert Gwathmey, Dr. Alice Hamilton, Pearl M. Hart, Mrs. Dorothy Haven, Rev. Charles A. Hill, Rabbi Philip Horowitz, Rockwell Kent, Rabbi Isaac Klein, Bishop Edgar A. Love, Francis J. McTernan, Lafayette Marsh, Dr. Leo Mayer, Stanley Moffatt, Hugh N. Mulzac, George B. Murphy, Jr., Dr. Otto Nathan, Rev. J. Pierce Newell, Rev. Clarence Parker, Prof. Howard L. Parsons, Rev. William B. Spofford, Dr. Willard Uphaus, Mrs. Clara M. Vincent, and Dr. Leroy Waterman.

COMMUNICATIONS SATELLITES: GIVEAWAY FOR THE 1960'S

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. RYAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. RYAN of New York. Mr. Speaker, I would like to bring to the attention of my colleagues a very important article on space communications satellites which appeared in the May 1962 issue of Progressive magazine. The article sets out the background of the legislation which will shortly be before the House and sets forth with great clarity some of the reasons why I believe public ownership is the only proper solution to this problem. Members will find the analysis of the compromise bill—which is in all respects similar to the legislation which will be before the House—most helpful. The author is Mr. Michael Padnos, legislative representative of the Americans for Democratic Action. The article follows:

One of the first and most exciting benefits of the Nation's satellite program is the promise it holds for improving and cheapening communications throughout the entire world. In a few short years, worldwide television of excellent quality will be a reality; radio will reach clearly and static free halfway around the globe; a 10,000-mile telephone call will come through as distinctly as if it were from next door. This giant step forward in communications, with all its ramifications in international relations, is possible because of the Federal Government's multi-billion-dollar satellite program.

No one seriously questions the need to build a communications satellite system. Not only would it be reassuring to beat the Soviet Union in an exciting and peaceable contest, but a satellite would more effectively and efficiently replace costly earthbound communications facilities and provide an economical means of opening up the large number of television, telephone, and data-processing channels essential to meet the vast expansion in international communications expected during the next few years.

From a technical point of view, the problems involved in building such a system are not overwhelming. The rocketry hurdles are largely surmounted and an apparently feasible plan for the communications aspects has been sketched by Government and private experts who have worked together on the problem under Federal programs. The scientists describe the system as one in which two or three active satellites (i.e., containing equipment for receiving and transmitting, instead of merely passively reflecting, messages from earth) would orbit around the earth at the equator high enough so that at least one would always be visible from every point on the entire globe, thus permitting the straight-line sending and receiving which is required for transmission of radio waves. The satellites would, ideally, be synchronized with the speed of the earth's rotation, to make them stationary in relation to the ground.

There is also general agreement that this approach is preferable, in terms of both the long-run economy and the potentially greater number of channels, to the alternative course advocated by American Telephone & Telegraph, which would require launching a large number (estimates vary from 30 to 400) of small satellites to circle the earth at a low (100–3,000 miles) altitude in random orbits; such a system is not favored because it would require costly ground stations to search the skies for the randomly flying satellites and many expensive launchings to mount the large number of artificial bodies.

The political questions, however, are more difficult to answer. They were first raised publicly in a report made to the Federal Communications Commission by an ad hoc committee of members of the communications carrier industry—telephone, telegraph, and other companies in the business of sending and receiving communications electronically.

Briefly, the industry committee's report recommended that the operation and management of a space communications system be turned over to a nonprofit corporation owned by those international communications carriers willing to put up at least $500,000 in equity. The corporation would have a board of directors composed of not more than two representatives from each company and three representatives from the public, the latter to be appointed by the President. Each carrier would be permitted to own its own ground stations and a certain number

of communications channels, the channels to be allocated without charge to the investors in ratio to the equity contributed to the corporation. If a carrier should wish to exceed its pro rata quota of channels, it would be assessed a rental fee which would then be redivided among the other carriers. Finally, the equity contributions to the new corporation would be made part of the rate base of the contributing companies so that the investment would be charged off against other services provided by the owners. In brief: Ten big international communications carriers proposed that they own, operate, and allocate channels in the communications satellite, in return for which they agreed to contribute part of the cost of mounting the system. Their total promised contribution was and is $78 million; it should be noted that the Government has already spent $471 million on this program and a total of over $25 billion on other relevant research and development.

Although the specific recommendations made by the ad hoc committee have never been placed before Congress, a bill which contains the essence of the report (but without the public directors, without the limitation on directors from any one corporation, and stripped of some other committee recommendations designed to cover up the embarrassingly blatant giveaway) was introduced soon after the report first made its appearance by Senator KERR, powerful chairman of the Senate Committee on Aeronautical and Space Sciences. The bill was referred to KERR's committee which has recently completed hearings on the proposal. Under the unusual procedure agreed upon by Senator KERR and Senator WARREN G. MAGNUSON, Washington Democrat, the bill which has been reported out will be sent to MAGNUSON'S Interstate and Foreign Commerce Committee before it goes to the floor of the Senate for debate and action.

Meanwhile, the administration was working on its own bill. Cloaked in mystery (anyone whose absolute devotion to the administration was not a matter of record was refused permission to see the draft), the bill was the subject of speculation on Capitol Hill for weeks before its contents were revealed. It appeared finally on February 7, 1962, accompanied as expected, by a clarion call to action from the President. His message called for the "dramatic demonstration of our leadership in this area of space activity" which would be made through the enactment of his bill, and declared, rather righteously, as it turned out, that the administration could not, "in good conscience" accept the Kerr proposal to limit ownership "to a few existing companies and exclude automatically all other potential investors who have equal rights to own a part of this federally developed enterprise."

No one who knows the record of Oklahoma's conservative Democratic Senator ROBERT S. KERR was particularly surprised that he had favored handing over this marvelous international communications development to private industry. The millionaire Oklahoman seemed to be acting quite in character when he introduced a bill which would, in effect, present the whole program to the communications industry as a guaranteed profitmaking gift. But there was stunned surprise when the Kennedy administration designed and presented its own rival proposal that would have achieved the identical end by an alternate route: A privately owned satellite winging its way through space, extending into the realm of the stars the stranglehold on electronic communications now enjoyed by the giant American Telephone & Telegraph Co.

At first glance the administration's bill seemed a more liberal approach to the problem. That measure proposed to establish a private corporation with two classes of stock: First, a dividend-bearing voting stock, class A, which was to be available to all members of the general public (at $1,000 a share); and, second, class B stock, which could be purchased only by the communications carriers. Any single company would have been able to own a maximum of 15 percent of the authorized or 25 percent of the outstanding class A shares, and ownership in class B stock, which presumably counted as a part of the investing company's rate base, would have been convertible to class A shares. Curiously, in the President's discussions of the bill he has acknowledged that the $1,000 share price was specifically intended to exclude the general public.

But because the class A stock would be issued only at the discretion of the corporation and would be unattractive to the public because of price (plus the more important fact that it would pay no dividends for many years) the likely result of this proposal was that at least a controlling share of the stock would have been purchased by A.T. & T. and two or three other corporations it controls or dominates. Furthermore, A.T. & T. could also be expected to dominate the class B shares, because it is the only company with both the desire and sufficient resources (i.e., assets larger than General Motors, Standard Oil of New Jersey, and Ford Motors combined) to make a really large investment. Proponents of public ownership maintain that these objective facts make it clear that the President's plan would lead to precisely the same result as would have been achieved under the Kerr proposal, with one notable difference: the automatic giveaway proposed by Senator Kerr would be replaced in the administration's bill by a bothersome and time-consuming manual operation.

To the credit of Capitol Hill, it must be said that the Congress had not been passively waiting with rubber stamp in hand for the arrival of the administration's bill. Long before even the Kerr bill was introduced, a number of liberal Senators and Congressmen had become concerned about the problem of giveaway and monopoly control in the space communications field, and under the leadership of Congressmen CELLER and RYAN and Senators HUMPHREY, KEFAUVER, and MORSE, a group of 35 Democratic legislators last August 24 wrote a letter to the President in which they spelled out the dangers which they foresaw in the FCC's intended plans. The Congressmen minced no words.

"The FCC orders appear for all purposes," they said, "to determine that the satellite communications system is to be owned and operated by this group of 10 international carriers. This would mean that only four concerns would participate in the system's ownership since the other six companies in this group have professed no interest whatsoever in space communications. More important, it would mean that one of these four companies, A.T. & T., would have a dominant and very probably a monopoly position in ownership of the space communications system. In effect, A.T. & T. would be the chosen instrument of the U.S. Government to own and control civilian space communications. This would be intolerable from the standpoint of the public interest." They further pointed out there was absolutely no need for a decision on ownership to be made before the system had actually become functional. Quoting the President, they noted that "To date no arrangements between the Government and private industry contain any commitments as to an operational system. We believe this is as it should be. Present commitments of any kind as to the control of the system may hinder its rapid development and prejudge vital questions of public interest and international relations."

Although it would still be sufficient for liberals to work merely to prevent an express giveaway of the system to private interests, the energy with which private ownership bills have been pushed has forced concerned legislators to present their own concrete alternatives. The thrust of liberal effort on the Hill for the last 6 months has been consequently directed toward an undiluted program of public ownership, and liberal argument has stressed three points: any private corporation would represent an unprecedented giveaway; every private scheme which has been proposed would lead to domination by A.T. & T., an industrial monopoly already all but unregulable by the Government; and finally, only public ownership can guarantee that this international communications system will not only take notice of foreign policy considerations but will actually serve as a dynamic force in the implementation of that policy.

Until recently, the force of these arguments had been directed against a divided opposition, for the advocates of private ownership had given every impression of being firmly divided between the administration and the Kerr approaches. How shocked was Washington then to discover that the Kerr committee was reporting out a bill which was satisfactory to both Senator KERR, who has repeatedly attacked the supporters of the administration's bill, and the administration, which had passionately defended the public interest against the forces of monopoly.

Yet such a compromise has indeed been achieved. On March 28 the Kerr committee reported out a bill which incorporates in a new and esthetic form all the thinking of the ad hoc report, and furthermore includes many of the modifications suggested in the recently introduced Celler proposal, a combination public-private ownership bill. The bill which was reported out, it is safe to say, will be completely satisfactory to A.T. & T.

Under the provisions of the new bill, a private corporation would be established to be governed by a 15-member board of directors. Six directors would be selected by the common carriers; six by the public owners and three would be appointed by the President, with the advice and consent of the Senate. The administration's proposal for class A and class B stock has been eliminated; in its place is only one class of voting stock, shares of which will sell for $100 and sold in two equal blocks: half to the carriers and half to the general public. Unlike the first administration bill, no limit is placed on the amount of stock which could be owned by any one carrier; if A.T. & T. contributes in the same proportion as it offered to contribute to the ad hoc committee it will own 42.5 percent of the stock available to the carriers. (Indeed, A.T. & T. could own the entire 50 percent of carrier stock, and the 50 percent available to the public could be divided among as few as five firms, possibly five equipment manufacturers, and between these six concerns the communications industry could control 9 of the 15 directors. If A.T. & T. left one share of carrier stock available to another carrier—General Telephone & Telegraph, for instance—the seven firms would elect 12 of the 15 directors.)

In addition to the voting stock, the corporation is authorized to issue nonvoting securities, debentures, bonds, or other certificates of indebtedness which a communications carrier may purchase and include in the company's rate base for international services. This investment may not be included in the domestic rate base, as would have been possible under earlier proposals. The highly controversial question of the ownership of ground stations has been resolved in favor of the carriers, who thereby obtain a position in which message content, rates and even actual use of the satellite will be under the direct control of the carriers much as the rates, content, and

usage of present day cables are dictated by A.T. & T.

Finally, 20 percent of the voting stock—the same amount as under the previous administration bill—is reserved for purchase by all foreign interests, public or private, which may wish to participate in the system. This grudging provision was apparently included because of the President's invitation last July 24 to "all nations to participate in a communications satellite system, in the interest of world peace and closer brotherhood among peoples throughout the world." Of all provisions in the bill, this exclusion of our allies from effective participation in a system of international communications is perhaps the most gravely distressing.

It should be clearly understood that the new bill does not overcome these problems. Like every other bill providing for private ownership, it will allow the carriers to own the ground stations, elect at least half the directors, and be regulated principally by the FCC, an agency which for 27 years has failed to control the monopolistic practices of the carriers. Like all other private bills the opportunities for foreign participation which the President so earnestly requested in his policy statements have become all but nonexistant in reality. And like all other bills it gives tacit approval to a joint venture of communications carriers which is absolutely indistinguishable from the merger plans which Congress has rejected blankly and definitively for the last 10 years.

If these considerations are not compelling, it should be further noted that the corporation created by the new bill, like those proposed in former legislation, will be principally funded by A.T. & T. This is true mainly because no other company in the United States has sufficient assets to invest the enormous sums of money which A.T. & T. can easily afford to put into the system; it is no coincidence that A.T. & T. offered to put up $65 million in the ad hoc report, a sum 13 times greater than that offered by any other company. Second, no one but A.T. & T. (and a few other large carriers and equipment manufacturers with a vital interest in the corporation's purchasing policies) will have any interest in providing funds for the venture.

The fact that this financial dominance guarantees actual dominance of the corporation has been widely acknowledged, and even the Justice Department so stated in its testimony in opposition to the Kerr bill. What has not been mentioned is the fact that the argument is as valid in relation to the administration bills as it was in connection with the Kerr bill; in either case A.T. & T.'s ability to withhold or provide financing is the means by which it will be able to assure that the corporation will act in compliance with its particular interests. This fact and this fact alone is proof of the fact that private ownership in this field means monopoly ownership, and is totally inconsistent with our principles of free enterprise.

There are other defects in the bill. The Secretary of State can only "advise the corporation of relevant foreign policy considerations," a dangerous abdication of national sovereignty to private interests, and a large step backward from the first administration bill, which would have had such negotiations conducted or supervised by the State Department. Moreover, the bill does not permit the President to veto corporation decisions which he regards as unwise, as does the Celler bill.

But this list could be expanded indefinitely. The essential fact is that no system of private ownership can be acceptable because all such systems are opposed to the public interest. They result in public payment for private control; an increase in that industrial concentration which has already been described by experts as one of the prime causes of America's second-best status in space; and the abandonment to private interests of a technical marvel with incalculable potential for promoting the foreign policy of the United States.

In the opinion of many observers, public ownership is the only satisfactory way to resolve these difficulties. The legislation which has so far been introduced to accomplish this purpose has had two forms: the bill introduced by Congressman RYAN, Democrat, of New York, and the Kefauver bill, which has been cosponsored by Senators BURDICK, GORE, GRUENING, MORSE, NEUBERGER, and YARBOROUGH, and introduced in the House by Congressman KOWALSKI, Democrat, of Connecticut. Both forms would establish a public corporation to own and control the satellite and ground stations, use of which would be determined on a rental basis. Both forms would permit that cooperation with foreign governments and the U.N. which would be dictated by our foreign policy and not A.T. & T.'s; both forms would utilize tax moneys for the benefit of the taxpayer and not a group of stockholders. Whichever proposal would be accepted, the taxpayer would gain. It is unfortunate that the same cannot be said for the proposals which have received the support of the administration.

Senator KEFAUVER'S Subcommittee on Monopoly and Antitrust is presently holding hearings on the anticompetitive aspects of the private bills. The merger issue, the significance of A.T. & T.'s vertical integration and the manner in which A.T. & T. is able to dominate without possessing other communications carriers should finally be put on the public record. Within several weeks after the end of these hearings, Senator MAGNUSON is expected to finish consideration of the private ownership bill.

One issue seems clear: a space communications system, as Attorney General Robert F. Kennedy told a House committee, has been "made possible only because we have invested large sums of taxpayer's money." Yet the administration is supporting a measure that would enable the stockholders of a private corporation to reap the rewards of an investment of billions of dollars of the people's money in the most dramatic development in communications in the last 50 years. This support severely handicaps the drive by liberal forces to establish the space communications system as a public asset under public control—where it belongs.

STOCK MARKET DECLINE

The SPEAKER. Under previous order of the House, the gentleman from Illinois [Mr. PUCINSKI] is recognized for 5 minutes.

Mr. PUCINSKI. Mr. Speaker, I know that many Americans are very much concerned about the action of the stock market in recent days. I am sure that many theories and many suggestions are being offered as to the cause of this phenomena.

Mr. Speaker, I do not hold myself out as an expert on the stock market, but I would like to submit for consideration the fact that what is happening on the stock market today may be to a great extent related to a bill that we passed here several weeks ago which requires some 285,000 administrators of health, welfare, and pension plans, involving some $50 to $70 billion, to begin reporting in greater detail how these funds are being invested, beginning on June 18, when the new disclosure law becomes effective.

Mr. Speaker, it would seem to me that what is happening on the stock market today is what I had predicted would happen 4 months ago when my subcommittee reported this bill out. I supported this legislation. I think it is good, sound legislation. I believe it will have a great effect in the long run on the economy of the country. But at the time my subcommittee reported this bill out I said that as we approached the date of its effectiveness, if the bill were enacted into law by Congress, there would be a serious adjustment in the stock market simply because the administrators of these funds who had been investing these moneys in various stocks would undoubtedly want to bring their portfolios into order, so they could begin reporting the content and the method of investment.

Mr. Speaker, I do not believe that what is happening in the stock market today is going to have any long-range adverse effect on the economy of the country. On the contrary, I have every reason to believe that when these portfolios are brought into order and when those, perhaps, who should not have been in the stock market in the first place get out of the stock market and when new money is brought in, I think the stock market will emerge much stronger, much healthier, and much more stable. At the same time, the health and welfare and pensions funds which this Congress has tried to protect are going to be stronger and healthier and more reliable.

During the hearings on this bill before our committee there was evidence that the Department of Labor had practically no ability to determine how these pension funds were being invested. I do not think you have to be an economist to recognize that when you have $50 to $70 billion in 285,000 health and welfare funds, a sizable part of this money undoubtedly will find its way into the stock market. While there is nothing necessarily wrong in investing some of this money in stocks, my contention is that perhaps in too many instances too much of this money has heretofore been disproportionately invested in stocks making these trust funds too precarious for prudent management. So what is happening today is a situation that will in the long run create greater stability in the stock market. There is absolutely no other reason I can find for the recent developments in the stock market. On the contrary, all economic barometers indicate our economy going up. Carloadings are up; inventories are down; orders are up. The Nation's retail merchants have just reported record-breaking Easter sales. Sales of durable goods are up. Automobile sales are up. Every corporation reporting first-quarter earnings is reporting new and impressive profits. Therefore it would seem to me that those who are concerned about the fluctuations in the stock market should give consideration to the effect that this new pension disclosure act which will go into effect in about 6 weeks is bound to have on the stock market.

I repeat, what is happening today is that you are seeing a flushout of portfolios, a rearrangement of portfolios, so that the administrators of many of these funds will be in a better position to report how these $50 to $70 billion have

been invested; because, beginning on June 18 they will have to report the nature of these investments.

There is nothing in the act that we passed and that the President signed into law which in any way permits the Secretary of Labor to tell an administrator of a health and welfare or pension fund how he is to invest that money. This Congress was very prudent in making sure that there would be no interference in the manner in which this money was to be invested. But the law now does provide that the administrators of these funds must, beginning on the 18th of June, report in greater detail how the money is invested so that the people who are counting on these funds for their pensions in retirement and other benefits will be able to see how the money is being managed.

Therefore, Mr. Speaker, it would seem to me that we may look forward to a sharp rise in the stock market in the foreseeable future and I see the market coming back bigger and stronger and healthier than it has ever been. There can be no question that when you have such a large amount of money as is involved in these pension funds—totaling between $50 and $70 billion—now coming under closer scrutiny by the Federal Government, it is bound to have an effect on the stock market.

I am confident, however, that once the readjustment is completed, the stock market will again begin to truly reflect the impressive upswing in our Nation's economy. I am equally confident the upward spiral will commence almost immediately.

FREEDOM WEEK

Mr. MACGREGOR. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. MACGREGOR. Mr. Speaker, the Attorney General of the United States recently told the annual meeting of the Associated Press that we must present to the world the true image of America. I am sure that no one disagrees with this. However, it is important and necessary that Americans themselves reconsider at times what America means to them. Today we lead the last great bastion of freedom in a world that is greatly threatened by atheistic communism. There is now even more of a need for a rededication to our great Republic and to those principles for which it stands. Our individual citizens must know and appreciate the meaning of their country. It is only then that they can offer to the world a true and inspiring image of America.

Mr. Speaker, I would like to call the attention of the Members of the House of Representatives to the city of St. Paul, Minn., where many Americans are presently engaged in commemorating Freedom Week. This is a 4-day program which began last Saturday, April 28, and which will culminate today, May 1, in a tremendous celebration of Law Day, U.S.A. This project is sponsored by such groups as the St. Paul Chamber of Commerce, the Veterans of Foreign Wars, the American Legion, and the Ramsey County Bar Association. Each day is given over to a certain theme. On April 28 the theme was "Freedom of the Press." On April 29 the theme was "Freedom of Religion." Clergymen throughout the area spoke of the sacred freedom we possess; namely, the freedom to worship God. Yesterday, April 30, the theme was "Citizenship Responsibility." Today, May 1, the theme is "Law Day-Loyalty Day."

This is a community project. Commercial establishments are portraying various themes of our heritage by means of exhibits in their windows. Radio, television, and newspapers are carrying editorials pertaining to the different themes. Awards will be given to the best displays and editorials. Even prime television time has been purchased so that as many Americans as possible can share in this great experience.

The program culminates on May 1. An all-day seminar will feature such distinguished Americans as Ramsey Clark, U.S. Assistant Attorney General; Robert Hansen, VFW national commander; Dr. Nicholas Nyaradi, Bradley University; and Dr. Gerhart Niemeyer, Notre Dame University. This evening there will be a parade in downtown St. Paul, followed by a great rally in the St. Paul Auditorium to celebrate Law Day-Loyalty Day. Hollywood personalities such as Mr. George Murphy will participate. The Indianhead Drum and Bugle Corps will perform as will the Minnesota Mining & Manufacturing Co. Chorus. Mr. Ramsey Clark will speak as will Mr. Robert Hansen and Mr. John Jessup, the editorial chief of Life magazine.

The week will come to an end as the whole audience sings "God Bless America." I am sure that each participant in St. Paul will now be more aware of the greatness of his country and of the principles of individual freedom and human dignity which make it great.

I urge all members of the House to carefully assess the merits of this noble exercise of American citizenship. Programs of this kind can and should spread to all parts of our land. Americans do not feel that patriotism is old fashioned. On the contrary, patriotic Americans who love their country would welcome the chance to present to the world an image of America that is true and inspiring. Principles of freedom must be victorious over communism. Dedicated Americans want nothing else except that victory.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. MACGREGOR. I yield to my distinguished colleague from Minnesota, who I know participated in a similar gathering in Minnesota earlier during the Easter season.

Mr. NELSEN. I wish to thank the gentleman for his recognition of these occasions that are currently taking place in Minnesota. I was in Fairmont on Saturday of this past week when the VFW had a loyalty parade. It was a tremendous occasion, with a very large turnout of people from the Fairmont area. On Sunday at Waseca the VFW again staged a loyalty parade. The street was lined with people, and a tremendous parade took place. I think this demonstrates the interest of the American people in the preservation of the freedoms of America and the things we represent here in our great country.

I again thank my colleague from Minnesota for bringing this to the attention of the House. I join with him in the sentiments he has expressed.

Mr. MACGREGOR. I thank the gentleman from Minnesota. I know the people of Fairmont, Minn., and elsewhere in the southern part of our State appreciate the gentleman's participation in that program. In my judgment, that is the type of public programs in which Members of Congress ought to be participating.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. MILLIKEN (at the request of Mr. DAGUE), for the balance of the week, on account of illness.

SPECIAL ORDER GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to Mr. PUCINSKI, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. COHELAN.

Mr. EDMONDSON and to include extraneous matter.

Mr. BOLAND and to include extraneous matter in his remarks on H.R. 8031.

Mr. DANIELS (at the request of Mr. ALBERT), notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $202.50 and to include extraneous matter.

(The following Members (at the request of Mr. NELSEN) and to include extraneous matter:)

Mr. CLANCY.
Mr. BRAY.
Mr. SAYLOR.
Mr. BERRY.
Mr. SCHNEEBELI.
Mr. VAN ZANDT.
Mr. HOEVEN.

(The following Members (at the request of Mr. ALBERT) and to include extraneous matter:)

Mr. ANFUSO.
Mr. ROGERS of Florida.
Mrs. GRANAHAN.

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 44 minutes p.m.) the

House adjourned until tomorrow, Wednesday, May 2, 1962, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1997. A letter from the Secretary of the Air Force, transmitting a report of the Air Force military construction contracts awarded by the Department of the Air Force without formal advertising for the period July 1, 1961, through December 31, 1961, pursuant to Public Law 86-500; to the Committee on Armed Services.

1998. A letter from the Assistant Secretary of the Treasury, transmitting a certified copy of the rules and regulations as submitted for publication in the Federal Register in accordance with subsection 7(a) of the Federal Boating Act of 1958, pursuant to subsection 7(a) of the Federal Boating Act of 1958 (46 U.S.C. 527d); to the Committee on Merchant Marine and Fisheries.

1999. A letter from the Secretary of Agriculture, transmitting a draft of a proposed bill entitled "A bill to facilitate the work of the Forest Service, and for other purposes"; to the Committee on Agriculture.

2000. A letter from the Secretary of Agriculture, transmitting a draft of a proposed bill entitled "A bill to enable the Secretary of Agriculture to construct and maintain an adequate system of roads and trails for the national forests, and for other purposes"; to the Committee on Public Works.

2001. A letter from the Director, Office of Emergency Planning, Executive Office of the President, transmitting the third and final annual report of the Office of Civil and Defense Mobilization, pursuant to Public Law 920, 81st Congress; to the Committee on Armed Services.

2002. A letter from the Secretary, Department of Health, Education, and Welfare, transmitting the report of actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment purposes for the quarter ending March 31, 1962, pursuant to the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

2003. A letter from the Acting Secretary of the Army, transmitting a draft of a proposed bill entitled "A bill to authorize General of the Army Douglas MacArthur to accept and wear the Grand Cordon of the Order of the Rising Sun with Paulownia Flowers which has been tendered him by His Majesty, the Emperor of Japan"; to the Committee on Armed Services.

2004. A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting the July 1961–February 1962 report on Department of Defense prime contract awards to small and other business firms, pursuant to the Small Business Act, as amended; to the Committee on Banking and Currency.

2005. A letter from the Assistant Secretary of the Interior, transmitting a copy of the annual report of the Division of Coal-Mine Inspection, Bureau of Mines, for the calendar year January 1 through December 31, 1961, pursuant to the Federal Coal Mine Safety Act; to the Committee on Education and Labor.

2006. A letter from the Secretary of State, transmitting a draft of a proposed bill entitled "A bill to authorize retired Foreign Service officers to accept, with the authorization of the Secretary of State, employment as advisers to foreign governments"; to the Committee on Foreign Affairs.

2007. A letter from the Comptroller General of the United States, transmitting a report on the audit of revenue-producing water resources development projects of the Bureau of Reclamation, Department of the Interior, and the Corps of Engineers (Civil Functions), Department of the Army, in the Central Valley Basin, Calif. for the fiscal year 1960; to the Committee on Government Operations.

2008. A letter from the Chairman, Franklin Delano Roosevelt Memorial Commission, transmitting the sixth interim report of the Franklin Delano Roosevelt Memorial Commission; to the Committee on House Administration.

2009. A letter from the Secretary of State, transmitting a draft of a proposed bill entitled "A bill to amend section 305 of the Communications Act of 1934, as amended"; to the Committee on Interstate and Foreign Commerce.

2010. A letter from the Acting Secretary of Commerce, transmitting a report of the activities relating to providing aviation war risk insurance for the period as of March 31, 1962, pursuant to the Federal Aviation Act of 1958; to the Committee on Interstate and Foreign Commerce.

2011. A letter from the Secretary of State, transmitting the annual report of tort claims paid by the Department of State for the calendar year 1961, pursuant to the Federal Tort Claims Act (28 U.S.C. 2673); to the Committee on the Judiciary.

2012. A letter from the Secretary of State, transmitting a draft of a proposed bill entitled "A bill to provide authority to protect heads of foreign states and other designated officials"; to the Committee on the Judiciary.

2013. A letter from the Acting Secretary of Commerce, transmitting a draft of a proposed bill entitled "A bill to amend section 1208(a) of the Merchant Marine Act, 1936, to authorize investment of the war risk insurance fund in securities of, or guaranteed by, the United States"; to the Committee on Merchant Marine and Fisheries.

2014. A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of a proposed bill entitled "To simplify, modernize, and consolidate the laws relating to the employment of civilians in more than one position and the laws concerning the civilian employment of retired members of the uniformed services, and for other purposes"; to the Committee on Post Office and Civil Service.

2015. A communication from the President of the United States transmitting for the information of the House a report on Government contracting for research and development, prepared at his request; to the Committee on Science and Astronautics.

2016. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report to the Committee on Science and Astronautics of the House of Representatives pursuant to section 3 of the act of July 21, 1961 (75 Stat. 216, 217), and submitted to the Speaker of the House of Representatives pursuant to rule XL of the Rules of the House of Representatives; to the Committee on Science and Astronautics.

2017. A letter from the Deputy Administrator, National Aeronautics and Space Administration, transmitting a report to the Committee on Science and Astronautics of the House of Representatives pursuant to section 1(d) of the act of July 21, 1961 (75 Stat. 216), and submitted to the Speaker of the House of Representatives pursuant to rule XL of the Rules of the House of Representatives; to the Committee on Science and Astronautics.

2018. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of the order suspending deportation in the case of Jan Peter Wittenber, A8538601, pursuant to the Immigration and Nationality Act of 1952; to the Committee on the Judiciary.

2019. A letter from the Comptroller General of the United States, transmitting a report on the audit of hydroelectric power and related activities of the Corps of Engineers (Civil Functions), Department of the Army, and the Bureau of Reclamation, Department of the Interior, in the Missouri River Basin project for the fiscal years 1959 and 1960; to the Committee on Government Operations.

2020. A letter from the Secretary of Commerce, transmitting drafts of two proposed bills entitled (1) "A bill to provide for strengthening and improving the national transportation system, and for other purposes," and (2) "A bill to exempt certain carriers from minimum rate regulation in the transportation of bulk commodities, agricultural and fishery products, and passengers, and for other purposes"; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of New Jersey: Joint Committee on the Disposition of Executive Papers. House Report No. 1640. Report on the disposition of certain papers of sundry executives departments. Ordered to be printed.

Mr. SMITH of Virginia: Committee on Rules. House Resolution 622. Resolution for consideration of H.R. 11040, a bill to provide for the establishment, ownership, operation, and regulation of a commercial communications satellite system, and for other purposes; without amendment (Rept. No. 1641). Referred to the House Calendar.

Mr. ROGERS of Texas: Committee on Interior and Insular Affairs. S. 2008. An act to amend the act of September 16, 1959 (73 Stat. 561, 43 U.S.C. 615a), relating to the construction, operation, and maintenance of the Spokane Valley project; with amendment (Rept. No. 1642). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS of Texas: Committee on Interior and Insular Affairs. H.R. 529. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Mann Creek Federal reclamation project, Idaho, and for other purposes; with amendment (Rept. No. 1643). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MACGREGOR: Committee on the Judiciary. S. 160. An act for the relief of Thomas O. Tate, Jr.; without amendment (Rept. No. 1644). Referred to the Committee of the Whole House.

Mr. PETERSON: Committee on the Judiciary. S. 1684. An act for the relief of Merle K. Loessin; without amendment (Rept. No. 1645). Referred to the Committee of the Whole House.

Mr. MACGREGOR: Committee on the Judiciary. H.R. 11122. A bill for the relief of Edward J. McManus; with amendment (Rept. No. 1646). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY:

H.R. 11506. A bill to amend the Civil Service Retirement Act to provide for the adjustment of inequities, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BERRY:

H.R. 11507. A bill to amend the Communications Act of 1934, with respect to the hours of operation of certain broadcasting stations; to the Committee on Interstate and Foreign Commerce.

By Mr. COHELAN:

H.R. 11508. A bill to authorize the Housing and Home Finance Administrator to provide additional assistance for the development of comprehensive and coordinated mass transportation systems in metropolitan and other urban areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. DOMINICK:

H.R. 11509. A bill to promote the general welfare, foreign policy, and security of the United States; to the Committee on Ways and Means.

By Mr. FINDLEY:

H.R. 11510. A bill to amend title 39, United States Code, to permit the mailing of matter with a simplified form of address on city and village delivery routes, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HOLIFIELD:

H.R. 11511. A bill to authorize the Administrator of the Housing and Home Finance Agency to assist States, counties, cities, political subdivisions of States, and public corporations established under State law in providing improved mass transportation services in those metropolitan areas which have planned and developed a mass transportation system; to the Committee on Banking and Currency.

By Mr. ROBISON:

H.R. 11512. A bill to amend section 114 of the Federal-Aid Highway Act of 1956 to state the policy of Congress with respect to reimbursement for certain highways on the Interstate System; to the Committee on Public Works.

By Mr. ROGERS of Texas:

H.R. 11513. A bill to amend section 408 of the Sugar Act of 1948, as amended; to the Committee on Agriculture.

By Mr. SHEPPARD:

H.R. 11514. A bill to authorize the Administrator of the Housing and Home Finance Agency to assist States, counties, cities, political subdivisions of States, and public corporations established under State law in providing mass transportation services in those metropolitan areas which have planned and developed a mass transportation system; to the Committee on Banking and Currency.

By Mr. SMITH of Virginia (by request):

H.R. 11515. A bill to promote safe driving, to eliminate the reckless and financially irresponsible driver from the highways, to provide for the indemnification of certain persons suffering injury or loss as a result of the operation of motor vehicles by uninsured motorists, and for other purposes; to the Committee on the District of Columbia.

H.R. 11516. A bill to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954, and for other purposes; to the Committee on the District of Columbia.

By Mr. ZELENKO:

H.R. 11517. A bill to prohibit discrimination on account of sex in the payment of wages by employers engaged in commerce or in the production of goods for commerce and to provide for the restitution of wages lost by employees by reason of any such discrimination; to the Committee on Education and Labor.

H.R. 11518. A bill to authorize the Housing and Home Finance Administrator to provide additional assistance for the development of comprehensive and coordinated mass transportation systems in metropolitan and other urban areas, and for other purposes; to the Committee on Banking and Currency.

H.R. 11519. A bill to repeal section 13a of the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

By Mr. BECKER:

H.R. 11520. A bill to amend title 10 of the United States Code to authorize the retention in an active status until age 60 of officers of the Army National Guard of the United States and of the Air National Guard of the United States who hold a Reserve grade above the grade of major and who are employed by the National Guard under the provisions of section 709 of title 32, United States Code; to the Committee on Armed Services.

By Mr. CONTE:

H.R. 11521. A bill to amend the Internal Revenue Code of 1954 to tax cigars having manufactured wrappers at rates no lower than those applicable to cigarettes; to the Committee on Ways and Means.

H.R. 11522. A bill to amend the Internal Revenue Code of 1954 to allow an individual a deduction from gross income for expenses incurred by him for his education or the education of his spouse or any of his dependents; to the Committee on Ways and Means.

By Mr. CORBETT:

H.R. 11523. A bill to authorize the employment without compensation from the Government of readers for blind Government employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CORMAN:

H.R. 11524. A bill to extend and strengthen the Federal air pollution control program; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL:

H.R. 11525. A bill to adjust the apportionment to States of moneys available under the Federal Aid and Wildlife Restoration Act to adjust the distribution of receipts from national wildlife refuges and other purposes; to the Committee on Merchant Marine and Fisheries.

By Mrs. DWYER:

H.R. 11526. A bill to authorize the Housing and Home Finance Administrator to provide additional assistance for the development of comprehensive and coordinated mass transportation systems in metropolitan and other urban areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. FARBSTEIN:

H.R. 11527. A bill to amend the Internal Revenue Code of 1954 to provide an exclusion from gross income for the first $1,500 of salary earned by a teacher in any year; to the Committee on Ways and Means.

By Mr. HAGEN of California:

H.R. 11528. A bill to require the establishment of an appeals procedure in matters related to the sale of timber from national forests, and for other purposes; to the Committee on Agriculture.

H.R. 11529. A bill to establish a Foreign Service Officers' Training Corps; to the Committee on Foreign Affairs.

H.R. 11530. A bill to provide for an appropriation of a sum not to exceed $75,000 with which to make a survey of a proposed "Sierra Way" in the State of California; to the Committee on Interior and Insular Affairs.

H.R. 11531. A bill to promote the general welfare, foreign policy, and security of the United States; to the Committee on Ways and Means.

By Mr. McDONOUGH:

H.R. 11532. A bill to authorize the Administrator of the Housing and Home Finance Agency to assist States, counties, cities, political subdivisions of States, and public corporations established under State law in providing mass transportation services in those metropolitan areas which have planned and developed a mass transportation system; to the Committee on Banking and Currency.

By Mr. McMILLAN:

H.R. 11533. A bill to amend section 503 of title 38, United States Code, to provide an exclusion from income thereunder for Civil Service Retirement Act annuities paid to retired Federal employees; to the Committee on Veterans' Affairs.

By Mr. MATHIAS:

H.R. 11534. A bill to amend title 2 of the United States Code so as to make provision with respect to the establishment, in the House of Representatives, of the office of Delegate from the District of Columbia; to provide for the election of such Delegate, and for other purposes; to the Committee on the District of Columbia.

By Mr. NYGAARD:

H.R. 11535. A bill to amend the act authorizing participation of States in revenue from certain wildlife refuges in order to increase the amount of such participation; to the Committee on Merchant Marine and Fisheries.

By Mr. PUCINSKI:

H.R. 11536. A bill to authorize the Housing and Home Finance Administrator to provide additional assistance for the development of comprehensive and coordinated mass transportation systems in metropolitan and other urban areas, and for other purposes; to the Committee on Banking and Currency.

H.R. 11537. A bill to amend section 302(c) of the Labor Management Relations Act, 1947, to permit employer contributions for joint industry promotion of products in certain instances; to the Committee on Education and Labor.

By Mr. RHODES of Pennsylvania:

H.R. 11538. A bill to repeal section 13a of the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN of New York:

H.R. 11539. A bill to amend section 625 of the Public Health Service Act to require that hospitals assisted under the Hill-Burton program shall not discriminate on the basis of race, creed, or color in the selection of their staff or employees; to the Committee on Interstate and Foreign Commerce.

By Mr. SILER:

H.R. 11540. A bill to amend the Civil Service Retirement Act so as to provide for retirement on full annuity at age 55 after 30 years of service; to the Committee on Post Office and Civil Service.

By Mr. WILLIAMS:

H.R. 11541. A bill to repeal section 13a of the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

By Mr. HAGEN of California:

H.J. Res. 703. Joint resolution providing for the establishment of a joint committee of the two Houses of the Congress to study all matters relating to national strategy; to the Committee on Rules.

By Mr. McMILLAN:

H.J. Res. 704. Joint resolution to amend the Constitution of the United States to provide the right of States to establish their own election districts; to the Committee on the Judiciary.

By Mr. MILLS:

H.J. Res. 705. Joint resolution to give effect to the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character, approved at Beirut in 1948; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Alaska, memorializing the President and the Congress of the United States relative to jurisdiction over Naval Petroleum Reserve No. 4; to the Committee on Armed Services.

Also, memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States relative to aid to students of foreign countries attending colleges and universities in the United States; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States relative to Federal aid for State Highway Route 115; to the Committee on Public Works.

Also, memorial of the Legislature of the State of New Jersey, memorializing the President and the Congress of the United States to consider resolutions concerned with long-term lasting protection to the several States on the Atlantic coastline against natural storm disaster and its preservation and conservation; to the Committee on Appropriations.

Also, memorial of the Legislature of the State of Rhode Island, memorializing the President and the Congress of the United States relative to the repayment provisions of the Temporary Unemployment Compensation Act of 1958; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANFUSO:

H.R. 11542. A bill for the relief of Melecia Garvillas Trinidad; to the Committee on the Judiciary.

By Mr. ASPINALL:

H.R. 11543. A bill to authorize the Secretary of the Interior to grant an easement to Suitland Lodge No. 1856, Loyal Order of Moose, across a portion of the right-of-way adjacent to the Suitland Parkway in Prince Georges County, Md.; to the Committee on Interior and Insular Affairs.

By Mr. BOGGS:

H.R. 11544. A bill for the relief of Dr. Louis van den Berghe; to the Committee on the Judiciary.

By Mr. BURKE of Kentucky:

H.R. 11545. A bill for the relief of Sabri Mehmet Akural; to the Committee on the Judiciary.

By Mr. COLLIER:

H.R. 11546. A bill for the relief of Ioannis Bakalis; to the Committee on the Judiciary.

By Mr. CORMAN (by request):

H.R. 11547. A bill for the relief of Irene Regine Calef; to the Committee on the Judiciary.

By Mr. CRAMER:

H.R. 11548. A bill for the relief of the estate of Bart Briscoe Edgar, deceased; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 11549. A bill for the relief of Siao-Sieu Mao Wu; to the Committee on the Judiciary.

By Mr. JOHANSEN:

H.R. 11550. A bill for the relief of Luisa Stocco; to the Committee on the Judiciary.

By Mr. LANKFORD:

H.R. 11551. A bill to authorize the Secretary of the Interior to convey certain lands in the State of Maryland to the Holy Cross Lutheran Church, Greenbelt, Md., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PELLY:

H.R. 11552. A bill for the relief of Henry E. Keiser; to the Committee on the Judiciary.

By Mr. RYAN of New York:

H.R. 11553. A bill for the relief of Mrs. Denise Jeanne Escobar (nee Arnoux); to the Committee on the Judiciary.

By Mr. TAYLOR:

H.R. 11554. A bill to authorize the Secretary of Agriculture to convey certain lands in Clay County, N.C., to Henry Mosteller and Elizabeth Mosteller, his wife; to the Committee on Agriculture.

By Mr. WILSON of California:

H.R. 11555. A bill for the relief of Oris S. Rollins; to the Committee on the Judiciary.

By Mr. YOUNGER:

H.R. 11556. A bill for the relief of Carolina Granucci; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

318. By the SPEAKER: Petition of John Buchanan, secretary, Fulton County, N.Y., Farm Bureau, petitioning consideration of their resolution with reference to deploring the arbitrary and unnecessary administrative action of the Milk Market Administrator of New York City in dealing with Jesse R. Stalker, farmer and dairyman, in the conduct of his business; to the Committee on Agriculture.

319. Also, petition of Leo M. Lyons, executive director, American Protestant Hospital Association, Chicago, Ill., petitioning consideration of their resolution with reference to recommending direct scholarship support of the individual student nurse in financing nursing education programs; to the Committee on Interstate and Foreign Commerce.

320. Also, petition of Dorothy H. McGee, member, Nassau County Historical Society Locust Valley, N.Y., relative to supporting legislation to establish Alexander Hamilton's home, The Grange, in New York City, as a national memorial; to the Committee on Interior and Insular Affairs.

321. Also, petition of Marion Keesling, county clerk, county of Trinity, Calif., relative to opposing legislation subjecting income from State and local bonds to a Federal tax; to the Committee on the Judiciary.

322. Also, petition of Chase Runyon, secretary, New Jersey State Association of Chiefs of Police, Springfield, N.J., petitioning consideration of their resolution with reference to statements made by the Attorney General and his staff charging, by implication, the police with brutality and third-degree methods of interrogation, and defending the performance of American policemen in carrying out their duties without fear or favor and irrespective of one's status or station in life; to the Committee on the Judiciary.

323. Also, petition of Margaret M. Reilly, city clerk, La Mesa, Calif., relative to opposing the imposition of Federal taxation upon the income from State and local bonds; to the Committee on the Judiciary.

324. Also, petition of Charles C. Parker, mayor, Redlands, Calif., relative to opposing Federal income taxation of the interest derived from public bonds; to the Committee on the Judiciary.

325. Also, petition of I. Irving Goldman, city administrator, Gonzales, Calif., relative to opposing Federal income taxation of the interest derived from public bonds; to the Committee on the Judiciary.

326. Also, petition of A. F. Levy, Los Angeles, Calif., petitioning consideration of his resolution with reference to a redress of grievance regarding the status of California as a State; to the Committee on the Judiciary.

327. Also, petition of Harry Bortin, executive director, Roosevelt Medal Associates and Senior Citizens, Burlingame, Calif., petitioning consideration of their resolution with reference to the enactment of legislation extending the benefits of the Panama Canal Construction Service Annuity Act to certain additional civilian officers and employees as provided in H.R. 6088; to the Committee on Merchant Marine and Fisheries.

328. Also, petition of Leo M. Lyons, executive secretary, American Protestant Hospital Association, Chicago, Ill., relative to discussing legislative proposals for hospital care for the aged; to the Committee on Ways and Means.

329. Also, petition of Thelma M. Wright, secretary, Santa Clara-Alameda-San Benito Water Authority, San Jose, Calif., petitioning consideration of their resolution with reference to opposing the imposition of Federal taxation upon the income from State and local bonds; to the Committee on Ways and Means.

330. Also, petition of Paul W. Salfen, city manager, Los Altos Hills, Calif., relative to opposing taxation of public bonds interest; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

Results of a Questionnaire

EXTENSION OF REMARKS

OF

HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1962

Mr. SCHNEEBELI. Mr. Speaker, the Members of Congress, I feel sure, will be interested in the results of a questionnaire survey recently compiled from opinions expressed by voters in the 17th Congressional District of Pennsylvania.

The following press release which accompanied the tabulation results is self-explanatory:

Congressman HERMAN T. SCHNEEBELI mailed 185,000 questionnaires to the 17th Congressional District voters and the first 10,000 questionnaires have been tabulated and the results are being sent for your information. The attached pages contain a list of the questions asked, with the responses listed in percentages rounded to the nearest whole number.

Over 20,000 replies have been received to date, and more are arriving daily. This has been a gratifying evidence of voter interest in current national affairs. Every section of the 10-county 17th District is represented in the tabulation, and the results represent a good cross section of opinion within the district.

A year ago, the subject of taxes represented the greatest area of indecision in voters' minds, but this year they have pronounced opinions on the subject. The previously expressed preference for the social

security approach to medical care for the aged has undergone a significant change. Diminishing support for the social security method and an increase in favor of the Kerr-Mills approach is substantial, but there is a greatly increased amount of indecision regarding this problem.

Other interesting aspects of the tabulation reveal a 2-to-1 opposition to the United States purchase of one-half of the U.N. bond issue. Approval of United States cooperation with the European Common Market is indicated by 4-to-1 margin.

The voters approved the President's method of handling foreign affairs by 4 to 3, but expressed dissatisfaction with his handling of domestic issues in the same ratio.

Retention of responsibility for primary and secondary education at the State and local level was endorsed on a 5-to-1 basis.

Better than 4 out of 5 persons believed the budget of $92.5 billion could not be balanced, while more than 9 out of 10 stated that the urban transportation problem should not be the financial responsibility of the Federal Government.

Recommended sources of increased revenue were a tightening of business expense and entertainment allowance by 8 out of 9 who replied; and a revision of the taxing schedules for "co-ops" and savings and loan associations by a 7-to-1 margin.

Pronounced opposition to the administration's proposed farm program was evidenced by the 13-to-1 result on this question.

Resumption of nuclear testing was favored heavily, while a Government program of fallout shelter construction was opposed by 9 out of 10 people.

The thousands of written comments and letters received covered a wide range of subjects and showed considerable interest and deep concern for the problems of Government at the Federal level. These generous expressions of opinion will serve as a valuable aid in considering legislative problems as they are presented for congressional action.

	Percent		
	Yes	No	Undecided
Foreign affairs:			
1. Are you in favor of the United States buying ½ of the $200,000,000 U.N. bond issue?	27	57	16
2. Would you approve of the U.S. cooperation with the European Common Market in order to protect, and possibly expand, our $20,000,000,000 export market with a related increase in our imports?	68	17	15
3. Do you favor continuance of our foreign assistance program at its present $4,000,000,000 annual rate?	24	58	18
4. Are you generally favorable to the manner in which President Kennedy's administration is handling our foreign affairs?	41	34	25
5. Are you in favor of giving the President broad powers to make across-the-border tariff cuts on the basis of reciprocity?	27	60	13
Social:			
1. Do you approve the creation of a Department of Urban Affairs at the Cabinet level to handle housing and other predominantly city problems?	20	69	11
2. Which concept of medical care for the aged do you prefer:			
(a) Compulsory care financed by increased social security taxes?	22	43	35
(b) Expansion of the present voluntary Federal-State program administered by the State (Kerr-Mills)?	37	21	42
(c) The recently proposed Blue Cross plan whereby full financial responsibility for persons below a certain income level is assumed by the Federal Government?	23	35	42
Education:			
1. Should the Federal Government provide more aid for worthy students in higher education?	47	37	16
2. Would you prefer indirect aid to college and university students by means of an income tax credit based on tuition costs?	44	34	22
3. Should full financial responsibility for primary and secondary education be retained by the State and local authorities?	75	15	10
Fiscal:			
1. Do you believe the proposed budget of $92,500,000,000 can be balanced as scheduled?	13	62	25
2. Should a solution to the urban transportation problem be the financial responsibility of the Federal Government?	8	78	14
Taxes:			
1. Do you agree with the following administration proposals to raise additional Federal revenue:			
(a) 20 percent withholding on dividends and interest?	22	64	14
(b) Repeal present dividend exemption of $50 and 4 percent?	20	54	26
(c) Tightening business expense and entertainment allowances?	79	10	11
(d) Tax co-ops on same basis as commercial companies in the same business?	71	12	17
(e) Tax savings and loan associations on a basis more comparable to that now paid by commercial banks?	72	12	16
2. Should the President be given authority to reduce taxes as an adjustment to prevailing economic conditions?	38	49	13
Agriculture:			
1. Do you favor the proposed administration farm program of further restrictions, increased price supports and decreased acreage?	6	78	16
2. Do you believe it would be beneficial to—			
(a) Maintain present crop quotas?	13	37	50
(b) Remove all crop quotas?	50	15	35
(c) Increase quotas?	7	35	58
(d) Reduce quotas?	14	28	58
Defense:			
1. Should the United States gradually resume all types of nuclear testing?	63	17	20
2. Should the Federal Government embark upon a large scale, multibillion-dollar program of fallout shelter construction?	9	78	13
3. Should we commit ourselves to a program of putting a man on the moon at an estimated cost of $40,000,000,000 to $50,000,000,000?	28	53	19
General:			
1. Would you recommend that organized labor voluntarily restrain from seeking wage increases in excess of our annual economic growth rate?	88	7	5
2. Do you favor a Federal program of retraining for unemployed persons whose skills are no longer required in their area?	56	32	12
3. Has the President's handling of domestic matters met with your approval?	31	42	27

Questionnaire Being Sent to Residents of the Seventh District of Indiana

EXTENSION OF REMARKS
OF

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1962

Mr. BRAY. Mr. Speaker, many thousands of Seventh District residents soon will receive a questionnaire asking their opinions about current national issues.

The questions I have posed deal with such international problem areas as Vietnam, Berlin, and Communist China. I am also asking voters' opinions about the national debt, tariff legislation, medical care for the aged, and aid to education.

The range of subjects covered is quite wide, although no list of questions could cover all the areas of national interest. Many people write me that it is difficult to answer these questions with a simple yes or no and I sympathize with their feeling because many complex questions must be decided in the House by a yea or nay vote. I have tried to phrase the questions objectively so as not to influence the responses in any manner.

I have found the results of such opinion polls very helpful in the past, and they also stimulate thinking and discussion among citizens about their Government. As in the past, I will place a summary of the results in the CONGRESSIONAL RECORD.

The questions follow:

DO YOU FAVOR—

1. The King-Anderson bill for medical care for elderly people financed through social security taxes?
2. Purchase by the United States of $100 million worth of U.N. bonds?
3. Giving the President authority to eliminate tariffs through agreements with other nations?
4. Federal aid for the operation of public elementary and secondary schools?
5. U.S. recognition of Communist China?
6. Use of force, if necessary, to maintain our position in West Berlin?
7. Increasing the national debt limit beyond the present $300 billion?
8. A reduction in the $4.8 billion President Kennedy has asked for foreign aid?
9. The use of U.S. troops to stop aggression in Vietnam?
10. The Freeman farm program of strict production controls?

Are you engaged in farming?

Farm Costs Hit Another Alltime High

EXTENSION OF REMARKS
OF

HON. CHARLES B. HOEVEN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1962

Mr. HOEVEN. Mr. Speaker, the latest issue of Agricultural Prices released yesterday by the U.S. Department of

Agriculture shows that the parity index reached another alltime high last month. The parity index is the statistical measuring device used to reflect farmer's living and production costs, including taxes, farm wages, and interest paid. By hitting this new alltime high, the parity index caused the parity ratio to drop 1 point to 79. The parity ratio is the relative comparison of costs paid and prices received by farmers.

As the House will recall, in calendar year 1961, this parity ratio hit the lowest level in 22 years when it averaged only 79. I pointed out to Secretary Freeman when he appeared before the Committee on Agriculture the fact that during the first year on the New Frontier the parity ratio was the lowest since 1939. The Secretary replied that his program of flexible price supports and strict controls was designed to move toward "parity of *income.*"

How can farmers ever move forward to "parity of income" which would exist only in a rarefied economic atmosphere where the parity ratio was close to 200 when the ratio now is only 79 and farm costs are continuing to rise.

And what is one chief contributor of rising costs and inflation? Unbalanced Federal budgets, of course.

So with the prospects of $124 billion unbalanced budgets by the Kennedy administration, farmers will find little hope in the prospect of declining farm costs. Only with the establishment of responsible fiscal policies by the Federal Government will farmers, as well as all citizens, be able to bank the inflationary fires.

If the administration really wants to improve farm income, one of the best plans to start is in the management of the fiscal affairs of the Nation.

Americanization Day Celebration

EXTENSION OF REMARKS
OF
HON. DOMINICK V. DANIELS
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1962

Mr. DANIELS. Mr. Speaker, on the occasion of the 31st Americanization Day celebration sponsored by Capt. C. E. Fisk Post No. 132, Veterans of Foreign Wars of the United States, in cooperation with the city of Jersey City, held at Pershing Field, Jersey City, on Sunday afternoon, April 29, 1962, I was pleased to participate and to deliver the following address.

I also request permission to include speeches made by the following distinguished participants in the Americanization Day celebration: Hon. Thomas Gangemi, mayor of Jersey City, N.J.; John Bashara, national commander, Veterans of World War I of the United States of America; Col. Arthur A. Gottlieb, commander, 2d U.S. Army Corps, Camp Kilmer, N.J.; Charles E. Kinney, national chief of staff, VFW.

The speeches follow:

ADDRESS OF CONGRESSMAN DOMINICK V. DANIELS

I am proud to have the privilege of speaking to you briefly on this occasion of the 31st annual Americanization Day parade.

Throughout our history, veterans of our wars have constituted an alert, informed, and patriotic part of our population. They have organized themselves into groups such as the American Legion, AMVETS, Disabled Vets, Catholic War Vets, Veterans of Foreign Wars, and others and have become an integral part of our national life. Certainly, if there is one characteristic that their members have all shared, it is devotion to their country. In their service on active duty and in their patriotic civilian activities they have indeed asked what they could do for their country and they have gone ahead and have done it.

While the United States of America is a comparatively young Nation and its experience with wars has been rather limited as compared with those of other countries, yet, nevertheless, the American people fully understand and appreciate the real meaning and dreadfulness of war. We possess an insatiable desire for peace. However, while we seek peace, it must be sought without the sacrifice of our freedom or of those principles of justice without which civilization must fail. Such a sacrifice of freedom and justice would constitute a greater calamity than war.

I wish to compliment the VFW on its position on national security declared a few years ago when it advocated that the United States must maintain and possess the world's most powerful Army, Navy, Air Force, Marine Corps, and merchant marine together with a strong National Guard and Reserve program, a strong civil defense program, an aggressive space and missile program, traditional opposition to all forms of communism, both domestic and foreign, and to any proposal which would diminish the sovereignty of the United States.

These are goals and statements of principles in the great tradition of devotion to country. Advocacy of strength in our military forces is perfectly compatible with the strongest desire for peace. We know that our enemies will not be deterred by mere protestations of peaceful intentions; we must have the forces in being that can repel attack.

We must never weaken our attention to the danger of Communist activity in our midst. The Communists operate in secret to infiltrate, undermine, and destroy the principles and institutions which we hold so dear—our country, religion, family, and freedom. We must ever be vigilant to wipe out this serious menace. Therefore, I desire to compliment the Capt. E. Fisk Post No. 132 of the VFW for its action in combating the evils of communism by the sponsorship of this annual patriotic program.

Therefore, let us resolve on this occasion that we shall remain forever dedicated to our country and that we shall always be ready to defend her from all her enemies, and that we may continue to live in freedom, with justice and liberty for all.

ADDRESS OF HON. THOMAS GANGEMI, MAYOR OF JERSEY CITY

Mr. Chairman, reverend clergy, distinguished guests, ladies and gentlemen, as the mayor of Jersey City, I welcome you to our 31st Annual Americanization Day celebration.

Today, we in Jersey City take time out to demonstrate to the world our love for our country and our determination to remain free.

The threat of international communism is ever present. As Americans, we must remain united behind our great President, John F. Kennedy, in his courageous battle against the evils of oppression.

We face trying days ahead. The unrest in Berlin, the creeping advancement of communism throughout Asia and the fighting in Africa are serious threats to world peace.

As the leading Nation in the free world, we Americans are charged with the responsibility of protecting the freedom of the little nations and the underprivileged people of the world.

By demonstrations such as we have witnessed here today, we Americans put the leaders in the Kremlin on notice that we will not tolerate any threats against our inherited freedoms. We will not stand idly by and watch other freedom-loving peoples trampled upon.

This country was founded upon the principles of equality and freedom for all. Over the years Americans have died in battles in every corner of the earth to protect those freedoms. We will fight again and again and again to save our precious heritage.

Thirty-one years ago, a group of nine men who were members of the Capt. Clinton E. Fisk Post No. 132, of the Veterans of Foreign Wars, thought something should be done in Jersey City for an Americanization Day celebration. Today we have seen the biggest parade ever held in Jersey City. Three of the original nine men still serve on the parade committee.

The city is proud to cooperate with the Capt. Clinton E. Fisk Post in sponsoring this great celebration. We hope that next year, it will grow even bigger.

I wish to congratulate General Chairman Sam Bardarch and his very fine committee for the wonderful job they have done. On behalf of the citizens of Jersey City, I want to thank all the bands, drill teams, and other participants in this great parade.

I am confident all who have witnessed it have been inspired by their patriotic demonstrations.

I am sure we have all experienced that deep down feeling inside of us today. I know I speak for all of you when I say I am proud to be an American.

Thank you and God bless you.

ADDRESS OF JOHN BASHARA, NATIONAL COMMANDER, VETERANS OF WORLD WAR I OF THE UNITED STATES OF AMERICA

Mr. Chairman, distinguished guests and fellow Americans, I bring to you today the greetings of the Veterans of World War I of the United States of America, Inc., which I have the honor to represent.

It is a real privilege to participate in a program of such unparalleled importance to our country. I want to commend the Veterans of Foreign Wars for the inauguration and sponsoring of Loyalty Day.

On this occasion we are here to pay tribute to a great institution, our own American Republic. We are here also to take direct issue with the challenge of communism which looms as a threat to the democratic principles which have made this Nation great.

What are these principles? Among them are justice, humanity and equality, freedom of speech, freedom of worship, freedom of ballot and of individual conviction.

To counteract the threat of subversion which unfortunately appears to be always with us, we must continue to advise the American people as to the nature of this anti-American influence which seeks to undermine our established way of life.

We must reexamine the history of America which will serve to strengthen our faith in the destiny of our Nation. We must help the youth of this Nation to understand the heritage which is theirs and which in later years will be theirs to defend and preserve.

Let us alert them to the fact that the privileges and rights they enjoy today cannot be taken for granted.

As faithful and loyal citizens, we must be always ready to defend those rights and traditions which are so strongly embodied in our national life.

As a graphic illustration of just how insidious Communist influence can undermine a country, we have only to look at the island of Cuba, just 90 miles off our shores. In a short space of less than 3 years, this little Republic has been taken over lock, stock, and barrel by the Communists. You have only to read the daily newspapers to get a true picture of the suffering and privation now being undergone by the Cuban people as a result of this infiltration.

Once again, may I express my sincere appreciation for the opportunity to participate in this splendid program.

ADDRESS OF COL. ARTHUR A. GOTTLIEB, COMMANDER 2D U.S. ARMY CORPS, CAMP KILMER, N.J.

I am grateful to the members of the Capt. E. Fisk Post No. 132 of the Veterans of Foreign Wars for the opportunity to be here with you today and to participate in the celebration of the 31st Annual Americanization Day.

There is a song from a Broadway show that is currently being heard frequently on the radio and I like to think that its popularity is due in no small degree to the sentiment expressed in the lyrics, as well as to the catchiness of the tune. It is called "What a Country" and, as you might guess from the title, it brags about what a wonderful place this United States of ours really is. Actually, none of us need a song to remind us of what a wonderful country we live in, but, just as a woman wants to be told that she is loved and is beautiful, so does a country enjoy having the reaffirmation of the faith and loyalty of her citizens. This is especially true at a time of international tension, when the propaganda of those who are opposed to our way of life is being broadcast around the world. So don't be backward about singing it, or saying it, or writing it, "What a wonderful country, this United States of ours."

The song I mentioned comes from a musical show whose plot is pleasant and entertaining, but not very probable. We, on the other hand, are faced with the stark realism of a threat to what we proudly describe as our "American way of life." We need, therefore, more than a mere expression of faith and loyalty to combat this challenge. Both collectively as a Nation, and individually as private citizens, we need the moral strength and the willpower which will insure the willingness to sacrifice comfort, personal possessions and, if necessary, our lives, in the protection of our Nation and of its institutions.

We must be able to absorb setbacks, which, as mature human beings we must expect will occur, without despairing, just as we must evaluate all gains realistically in terms of ultimate success. This moral strength and power of will cannot be counted like the weapons in a stockpile or our industrial output, or our gross national income, but in the terms of national power, they are forces that are no less apparent and decisive in determining the ultimate fate of our Nation.

I have heard it said, particularly by young men faced with a tour of military service, "What good can I do with that little rifle, when we are faced with the big blast of atomic weapons?" You don't have to search very far to get your answer to that question. Look at the fabulous advances made by science in the construction of rockets and space vehicles. Yet, to date, what was the most noteworthy achievement? When we put a man into orbit. Just as this man was able to guide this fantastically complicated piece of machinery in its flights around the world, and just as he was able to provide the intelligence necessary to explain objectively what he saw and what he felt, so will the individual always be the ultimate factor, regardless of the advances that science makes in pushbutton operations of sputniks or H-bombs. Therefore, on this Americanization Day it appears fitting and proper that each one of us reappraise himself in the light of his considerable importance, as a thinking, reasoning American, vital to the future of our country, rather than as one little meaningless drop of water in a tremendous, powerful ocean. I submit, therefore, that just as each of us is grateful to be a citizen of such a fabulous country, so is the country grateful to have such wonderful citizens.

We cannot, however, be smug and complacent, just because we live in the richest and most powerful country on earth. The United States has accepted the responsibilities of world leadership, and as citizens, we must each accept our share of the burden. If sometimes those who we are attempting to sustain and support appear to be ungrateful, and even antagonistic, remember this is not an unusual reaction. We get this reaction often in our own homes from our own children; yet, in the long run, when the chips are down and each member of our international family is grown to maturity and contributing his share to the mutual welfare of the community, we can look back on our trials and tribulations with a feeling of pride that we shared in the hardships and hence, have every right to enjoy the fruits of the good times. In this respect, we can take a page from the book of our hosts, the Veterans of Foreign Wars. These are men who really know and appreciate our way of life. They have seen with their own eyes other unhappier ways and they have been willing to sacrifice life itself for the preservation of our ideals. With this type of example for the rest of the country to follow, I am confident that our future is in good hands and that you, the American public, will go any distance, along any road that leads to the just and lasting peace that signifies the attainment of our national goal.

ADDRESS OF CHARLES E. KINNEY, NATIONAL CHIEF OF STAFF, VETERANS OF FOREIGN WARS

Today here in Jersey City we bring Veterans of Foreign Wars Loyalty Week to a rousing beginning in the State of New Jersey. Starting with this tremendous parade today; continuing with celebrations every day and night in the week to come in towns and cities throughout the length and breadth of our great State and climaxing with another spectacular parade in Asbury Park next Sunday. This is a ringing answer to those who advocate the evils of communism and other "isms" alien to our American system of government.

No other patriotic holiday recognized by the people of the United States of America is more important than Veterans of Foreign Wars Loyalty Day or as it is called here Americanization Day. It is the one day set aside for the exclusive purpose of letting the world know that we Americans vigorously reject the evils of communism in particular and all other subversive attacks on the American system of government in general.

Because the Veterans of Foreign Wars founded Loyalty Day we are annually confronted with the challenge of promoting widespread observance of this important day. We can take just pride in the constant growth of the Loyalty Day project and the increasing number of communities that are supporting this movement. Once again the Capt. Clinton E. Fisk Post 132, District 3, Jersey City, and Hudson County have demonstrated their leadership in commemorating Loyalty Day for this is truly the birthplace of this celebration which is now nationwide.

It is true that the origin of Americanization Day and VFW Loyalty Day was inspired by our resentment against Communist Party demonstrations on May 1 of each year in the United States. The fact that the Reds have been forced to abandon these traditional celebrations by our competition for public attention is significant. In this direction we can take much pride in the fact that our mission was accomplished.

We must make absolutely certain that there will never be a revival of these Communist May Day demonstrations in the United States of America. We must strive to dry up the reservoir of potential recruits to communism in the future.

The priceless ingredient which has made our Nation grow from a weak colony of 3 million souls on the Atlantic coast to a great power of 186 million people and the most productive Nation the world has ever seen, has been our constitutional form of government with its guarantees of religious, personal and economic freedoms.

In this atmosphere Americans of each generation have sought to leave to their children a better land than they themselves found. Not just better in a material way but in the educational and cultural developments that make for a better family and community life.

There was a time when our way of life in America was simpler and easier, when human values seemed to be more nearly black and white, when the currents of national pride ran more strongly than they do now. In those days, the Fourth of July orators called America the land of opportunity and the greatest country on the earth and we believed them. In our schools and churches and our homes we were taught pride in country and on holidays the bands played and the flags waved. It never occurred to anyone that all this was unsophisticated or corny.

The same spirit of pride and belief in our destiny pervaded the Nation as a whole during the early years of this century. It was an atmosphere, a state of mind, which gave meaning to life, put some purpose into toil and struggle and fired the soul of many a young man with a consuming desire to be somebody.

Now America is no longer an insular country. In a brief half century we have had to grow up and take our place among the nations of the world and it has been a painful and often a confusing experience. We have made some mistakes and have learned that we have some national faults. We have become indisputably the leaders of the Western World and we have found that such leadership involves some awesome responsibilities. We have also learned that a leader is always the target for criticism of all kinds, much of it captious and unreasonable.

The heads of so-called neutralist nations come to our shores and lecture us on our faults at the same time putting their hands out, palms upturned, asking for financial assistance. The press of many so-called friendly countries carries on a constant drumfire of criticism of America and its actions—and even sometimes of its motives. We are told by people who don't really know us, who don't know what America is like, that we are all materialists with but little desire or capacity for the finer things of life; that we are psychopathic about the threat of world communism; and so on and on down the list of our sins—personal, national and international.

But throughout all of this, in the name of heaven, let us remember that we still have a great deal to be proud of. We Americans have become so sensitive about what the rest of the world thinks about us that we

are now inclined to lie down and roll over whenever the finger of criticism is pointed our way. Yet there is no reason to be apologetic about America or for being an American. Other nations have also made their mistakes and it would be difficult for any one of them to match the decent idealism which we have brought to our role in world affairs.

In World War II we did more than any other nation to destroy the evil forces which were determined to dominate the earth. We have continued to pour out our wealth and our manpower in an attempt to shore up freedom and human decency in other parts of the earth. We are now attempting insofar as our resources permit, to assist the undeveloped countries and the emerging nations and we know that the end is not yet in sight. We do these things because we believe that they are right—not for territory nor for trade or for the love of power. We have demonstrated that on the international scene we are an unselfish people and we all know even if it doesn't occur to our critics that the wherewithal for all this comes right out of our burdensome income-tax remittances and that in many families there is hardship because of our national generosity.

I sincerely believe that it is high time that we all start saying a few kind words for Uncle Sam whenever the occasion arises and perhaps even when there is no obvious occasion. Somehow we must revive in the hearts of our young people the deep pride that all Americans must have in their heritage.

The factor which made America an inspiration to the rest of the world grew out of our Declaration of Independence, the Constitution of the United States and the spiritual values which the founders of our Republic recognized and by which they were guided.

We have recognized that there was a higher moral law to which governments were also accountable. We have humbly acknowledged the divine inspiration which made and preserved us as a nation. We have read of and been inspired by the action of George Washington in kneeling in prayer during the dark days of Valley Forge. We in the Veterans of Foreign Wars have used this scene to depict the real significance of Loyalty Day and hundred of thousands of posters depicting the Father of our Country kneeling in prayer, in the snow at Valley Forge, have been distributed by Veterans of Foreign Wars posts throughout our Nation. We know that human freedom is a greater force than tyranny.

This great country of ours is in trouble—deep, serious trouble. We have been in trouble for a long time—I expect that we will be for a long time to come. The threat is detailed and complex. Basically, however, we cannot allow ourselves to be deluded as to the ultimate objective of international communism. That objective is world domination and the United States of America is included in their plans.

Against the external dangers of communism we must maintain strong and adequate defenses—air, sea, and land—at home and abroad as long as the menace continues. Against the internal dangers of communism as demonstrated by subversion, sabotage, and espionage we must be constantly on guard and must support wholeheartedly our bulwarks to detect these menaces—the Federal Bureau of Investigation, the House Un-American Activities Committee, the Senate Internal Security Committee—together with our local law enforcement authorities.

There is also danger of another sort. This does not come from an armed enemy from without nor from a foreign led conspiracy from within. This springs rather from our own people—the danger of apathy.

Apathy on our part or an inclination to let the other fellow assume the responsibility that each citizen has an obligation to undertake, can well lead to a chain of events that would undermine both our governmental and economic systems.

At the beginning of Veterans of Foreign Wars National Loyalty Week on Americanization Day here in Jersey City let us rededicate ourselves to take a more active part in the affairs of our community, our State and our Nation. We should look to the source of our real strength—the family, the schools, the churches, the community and the Government—and seek to strengthen them and to restore them to their proper places of importance.

As an American citizen and a representative of the commander in chief of the Veterans of Foreign Wars of the United States I am grateful for having been chosen to have a part in this great patriotic parade and demonstration. Capt. Clinton E. Fisk Post No. 132, Mayor Thomas Gangemi and the other city fathers of this progressive American city together with all the citizens are to be congratulated for their part in sponsoring this celebration.

I am convinced that we of this generation and our sons and daughters will use the same faith and courage that motivated the men at Philadelphia who, under divine guidance, gave us first our Declaration of Independence and later the Bill of Rights and our Constitution.

On Loyalty Day, 1962, we reiterate our creed, there are none of our great domestic problems which we as a free people cannot solve. There is no foreign foe for which we as a free people need ever fear.

The Race for Space

EXTENSION OF REMARKS
OF

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1962

Mr. EDMONDSON. Mr. Speaker, I have just read the text of an outstanding address prepared for delivery at a conference of the American Rocket Society by our colleague from Pennsylvania, the Honorable JAMES FULTON.

In his speech, Congressman FULTON has highlighted some very important questions in the area of research and development in the space race. As a ranking member of the Science and Astronautics Committee, I am sure he has spent considerable time researching and studying the questions presented in the speech.

At this time, I would like to include in the RECORD the text of Mr. FULTON'S address as a challenging guideline to our space research and development effort.

The address follows:

A HANDFUL OF QUIETNESS

As we earthbound creatures proceed to the exploration of the great universe, we do need to sit down for contemplation and study with a good handful of quietness. The silence of the universe is simply the silence to earthbound ears and atmosphere trained hearing.

A meaningful quote to space enthusiasts and researchers is the verse from the Bible, "Better is a handful of quietness than two handfuls of oil and a striving after wind." (Ecclesiastes 4: 6). My recommendation today is that we sit down and restudy the overall purposes, parameters of our many space projects and programs, and restate the philosophy of the area of reference and background within which these programs are placed. Are we proceeding with our research development and exploration programs with two handfuls of oil and a striving after wind? This is a serious and meaningful challenge.

The adoption by President Kennedy of the manned flights to the moon as a national goal is one example in fitting many lesser programs into an integrated longer range target. But in consideration of the universe and the challenge of space, the moon flight, in terms of space, is simply a journey to a suburban community. Let us face the fact: a journey to a suburban community which takes 60 hours must be looked at as far from efficient and simply too long in time, and the effort with present boosters, present chemical fuels and payload capacity is completely out of proportion for practical purposes for the future.

Let us look at the proposal for the Nova rocket with the innocence of a child on a bright spring morning. We see a tremendous metal rocket as tall as a 30-story building, with the proportions of an elephant's body and the payload as big as a rabbit's head. A well proportioned dinosaur with a daily diet of herbs, foliage and grass would crack a big smile not only because of the ungainly proportions of the Nova rocket, but also because of the low yield chemical fuels and intricate plumbing for its insides. I have described the present day liquid fuel boosters as plumbers' nightmares, but the Nova rocket plans are really plumbers' nightmares in the big economy size. From the proposals already being made by our scientists and research workers, the costs of building and maintaining a string or a stable of Novas will dwarf the size of all other U.S. projects put together. The total U.S. budget of $2 billion annually for public works becomes lost in the budget shuffle and as can be seen, such a space change in the U.S. budget for one purpose alone, regardless of all the other research and development work, throws the U.S. Government's budget completely out of proportion.

I have been one of those people who has been a big booster for space and space programs for a number of years, and agree completely with the concept that the exploration, research and development of the universe is not only the industrial revolution but the opening up of the continents of the world multiplied many times. We have not yet felt the real impact of space and the space programs. My deep concern is that the space programs adopted be well thought out and placed in the proper perspective and philosophy, so that we do not wake up having shot a meaningless and expensive bolt into space, of high mass and velocity, but of bitterly low productivity and practical results.

Already we can see that the flight of 60 hours each way on a moon journey is too long practically and probably hazardous as well. While we are making radiation studies, we must remember that our moon programs are scheduled for the late 1960's when the solar storms and radiation can be expected to be at peak. The 11th year cycle of solar storms and radiation will be at its most stormy peak in the late 1960's, so that a suburban trip, even to the moon, must be looked upon with new parameters.

Looking at the proposals for the advanced Saturn programs and the Nova rocket programs, we might be well advised to remember the warning on September 1, 1901, of Dr. Simon Newcombe, writing in McClures for September 1901: "The first successful flier will be the hard work of watchmaking and will carry nothing heavier than in insect." While we are setting again the space targets ahead in ascending magnitude we should pause to take a survey on the platform where we now stand in space. We in the United States and the free world have a good platform to start into space. I have denied all

along that there was a space or missile gap between ourselves and any other countries, and I believe present knowledge now bears out this fact. Back in 1959 and 1960 those of us who steadfastly maintained this point of view were often looked upon as being pedestrian and lacking imagination but sufficient it is to see that some of the statements of the pundits with whom we have argued now are classed in the nature of the ludicrous and cause a slight snicker because of the political overtones that were in evidence at the time.

We must remember that the Mercury manned space flights have been 99 44/100 percent successful so that of the three planned coming Mercury flights, at least one flight will probably be canceled as not necessary. We should not forget that the Thor booster has set a reliable record of 95 percent in 1960 space shots. We have thus come to the time when manned space flight becomes training and navigation and orbiting any satellite becomes highly efficient operational programing.

My recommendations for the new parameters of space are as follows: Plan for booster complexes and speeds of 1 billion pounds thrust and 100,000 miles per hour. For these parameters the present projects and plans are clearly inadequate. Taking the problem of speed, if we extrapolate the increase of speeds from 1909 to 1962, we can see what has been accomplished in the same proportion that I am suggesting. For example, Glenn H. Curtis at the First Bennet International Airplane Race at the first international flying meet at Rheims, France, flew at a speed of 45 7/10 miles per hour, and took the prize. For the X–15 present level of accomplishment, Major Walker, Neil Armstrong, Scott Crossfield, and Maj. Robert White are bringing within realization speeds of 4,200 miles and upward per hour and 250,000 feet altitude—and this is for a plane operating in what we know as the atmosphere. Using this hundredfold increase of speed in planes as the method of calculating speeds to come in space, we find some amazing figures. We find speeds of 100,000 miles per hour only 4 times the present planned escape speed of 25,000 miles per hour, which would shorten the moon trip to 2½ hours each way. But we find by extrapolation that 100 times the 25,000 miles per hour escape speed now planned becomes for the future 2,500,000 miles per hour. Such parameters of speed likewise force us to raise our parameters of distance because we are then planning out of the suburban or moon area as such speeds cannot be used and have burst the bounds of suburban moon travel.

I recommend strongly to the National Aeronautics and Space Administration and the Department of Defense:

Increased emphasis on research and development of high-energy propellants and fuels such as boron and fluorine. This will reduce the size of the boosters and increase the capacity of the payload. I do not believe that hydrogen can be depended upon for extended space missions such as the Apollo program to the moon because of its low boiling point and necessity for high insulation and increases in the demands of weight and room in the space vehicle. Borons and fluorine are space storable and do not require such insulation. Because of their high specific impulse, combination of these high-energy propellants would greatly increase payload.

I strongly recommend an increase of the NASA budget for boron fuels. Boron fuels fall under the Office of Research and Technology. The directorship of that office is now vacant, with only an acting director, Thomas F. Dixon, Associate Administrator of NASA. Within that office is the Propulsion and Power Generation Office, which was also without a director until recently. These gaps in NASA organization hold back progress.

It is impossible to find the specific project for boron fuels in the fiscal year 1963 budget because many projects are lumped together in a general research and advanced technology budget. Reprograming of funds within NASA is the usual way in which one project is built up and others deemphasized. Advanced technology for liquid propulsion includes many research programs besides boron fuels and, with a limited amount of money, the competition results in less of an effort in boron fuels than, I understand, even NASA would like. Therefore, to increase boron fuels work, the total advanced technology for liquid propulsion budget will have to increase.

The following table illustrates the situation:

	Fiscal year 1962	Fiscal year 1963
Total request 1963 budget of NASA for liquid propulsion	----------	$163,102,000
NASA budget request for analysis and experimental development for liquid propulsion	$7,000,000	13,700,000
Industry proposal to develop oxygen difluoride-diborane space storable propellant	400,000	[1] 4,000,000
Maximum possible to prudently spend	----------	20,000,000
NASA intent with respect to above industry proposal	200,000	----------

[1] Includes propellants.

I believe at least $500,000 should be added to fill the blank for fiscal 1953, in addition to regularly budgeted NASA funds.

NASA argues they do not know enough about diborane yet to decide whether it can be used as a fuel. The potential of diborane has been obvious for 2 years and yet now NASA has no experimental programs to try to answer their own questions, nor will the $200,000 planned go very far in getting answers. Also, at least one major rocket company is sure enough of diborane to put their own money into preliminary tests.

The Air Force plans to make a "go ahead or abandon it" decision on pentaborane by December 1962. It is most urgent that NASA try to gear its diborane work to this schedule so that NASA will have some idea of future requirements at that time. Then, the future scheduling could be done in the light of a coordinated national requirement.

The NASA has concentrated, in the high energy fuel field, on liquid hydrogen which may prove satisfactory for many space propulsion missions. However, it is equally certain that liquid hydrogen will not be satisfactory for all missions; this is due to its low boiling point which makes impossible space storability without special provisions which impose weight penalties.

Much work is needed to improve space-storable fuels. State of the art combinations, such as hydrazines and nitrogen tetroxide, do not allow payloads equal to liquid hydrogen. Advanced, high energy, space storable fuels, such as boranes and fluorine compounds, offer even higher payload capability than liquid hydrogen and are storable without special provisions. In addition, the development of these advanced propellants will allow increased system simplicity (reliability), ease of handling, and minimum vehicle size. For further discussion of a more technical nature, see exhibit 1 and charts attached.

Chemical fuels and oxidizers have developed from the alcohol-oxygen system of the German V–2 to the exotic boranes and fluorine compounds available today. The specific impulse and payload capability has increased markedly as these new propellants have changed from test tube curiosities to tank car reality.

However, the adoption of superior fuels by the systems engineers has been slow. In addition to specific impulse and physical characteristics, evaluation includes logistics, economy, launch operations, mission characteristics and spacecraft systems. Economy has dictated the recent U.S. standardization on kerosene and liquid oxygen for big boosters (the H–1 engine in the Saturn, etc.). The huge amount of fuel used during the boost phase requires the lowest possible cost per pound, even at some sacrifice in specific impulse.

In upper stages, fuel quantities are less and performance is the principal criteria. Several years ago, liquid hydrogen and liquid oxygen were thought to be the ultimate propellant combination from the standpoint of specific impulse, and so all of our upper stage propulsion work was centered about this system. It is a big gamble and the outcome still cannot be predicted because no person can presently assure practical operational feasibility of the liquid-hydrogen engine in extended space missions.

Even if the liquid-hydrogen engine is technically successful, its utility for some space missions is in doubt. The very low-boiling point of liquid hydrogen means that appreciable amounts will be lost through evaporation as time goes on, even in the cold of outer space, and especially near the moon or planets where sunlight is reflected to the vehicle. The penalty of much or appreciable heavy insulation cannot be afforded.

An important plan for space flights involves caching of supplies on the moon. Liquid hydrogen simply would not stay put. Thus the need for a truly space storable propellant is demonstrated.

Fortunately, such materials are available. The combination of diborane and a relatively new oxidizer would provide substantially the same impulse as hydrogen-oxygen and actually greater payload in such missions as lunar landing and takeoff. The diborane system is completely storable without insulation, in space and on the moon. Simple reflective coating of the tank is all that is necessary.

Concerning this boron system, Dr. Hugh Dryden, Deputy Administrator of NASA, said recently, "Analysis has shown that a new propellant combination holds considerable promise for certain applications. A test program will be initiated."

Much work needs to be done and the United States must avoid single approach solutions to the problem of space exploration. The missions of the future will be so varied and complex that no one propellant can best meet every requirement. We must have an arsenal of rocket engines to choose from; to minimize mission cost and to maximize the chances for success.

It appears that the United States has a substantial lead over Russia in this area of high energy propellants. While they concentrated on big boosters, we see no evidence of the capability of Russian chemical industry to produce these intricate boranes and fluorine compounds. Upper stages using high energy fuels can help overcome the booster gap. We should exploit this lead.

An aggressive program, coordinated between NASA and the DOD, could make a high energy fueled rocket engine a reality in several years. The United States would have unrivaled flexibility in upper stage selection for each mission. We can afford nothing less than the best that our amazing American technology can give us.

I recommend strongly the moving up in time and broadening the base of the nuclear propellant programs. The U.S. space programs should emphasize reactor development as there are plainly not enough reactors in being or currently planned to handle even a slightly expanded program. In my opinion these reactors are not adequate even for the present contemplated programs. Nuclear power is an absolute necessity for extended space probes by space vehicles, and I disagree with those people who place the practical use of nuclear propellant systems behind the development of the advanced

Saturn and Nova chemical systems. Experienced friends in the nuclear propellant field agree with this accelerated timetable.

When speaking of the performance of an automobile or an airplane, one frequently uses such terms as horsepower and rate of gasoline consumption. As we know, in the rocket business, the usual term for efficiency or merit is specific impulse, the pounds of thrust per pound per second of fuel consumed. Our best chemical rockets have specific impulse of around 300 seconds. The nuclear rocket, however, has a specific impulse about three times as high. This means that about two to three times as large a payload can be put in orbit using the same weight rocket engine.

A single Saturn with a nuclear third stage is adequate for a manned lunar mission with no need for rendevous. A first stage booster using five 1½-million-pound thrust, F–1 engines would be sufficient. For the more ambitious missions, such as to the planets, the advantages are even greater.

Obviously there is much development to be done on the nuclear rocket engine, but just because it is nuclear and unfamiliar, let's not overestimate the difficulty, let's get on with the job. The development required can, I believe, be accomplished in time for the nuclear engine to become a part of the Apollo program.

I strongly recommend increased emphasis on the solid propellant development programs and believe that the projected time for such development more nearly coincides with the statements of the companies engaged in this field, rather than the extended times estimated by various segments of the National Aeronautics and Space Administration and the Department of Defense.

I strongly recommend that increased emphasis be placed on new systems development. For example, ion engine development for outer space economical and high-speed navigation, and the four most important direct conversion methods now under research.

Progress in microminiaturization and molecular electronics has been amazingly rapid. Electronic packages which go into space have been and are being reduced in size drastically. Unfortunately, development of the advanced power packages which must supply electricity to these systems and to the other systems in our space vehicles and land and sea craft has not kept pace. Greater emphasis must be placed on these systems to achieve the size and efficiencies which appear possible.

Let's examine some of the systems which could and should provide radical improvement in these areas. First, magnetohydrodynamic power generation where the moving solid conductor of a conventional electric generator is replaced by a jet of ionized gases. The theory is simple and feasibility has been demonstrated, but much work needs to be done before magnetohydrodynamics can take its place as a competitive power generator. Methods must be found to improve the electrical properties of refractories at high temperatures. Extracting power from the gas stream presents additional problems. Materials are the key and research should lead to direct conversion at an efficiency 50 percent better than the very best powerplants now available. The possibility of such improvement for large-scale power generation is not the only attraction. Solution of the problems could lead to efficient magnetohydrodynamic generation of electricity from exhaust gases in jet and rocket engines.

Thermionic power generation shows striking possibilities for extremely lightweight power packages for space and its possible use in conjunction with nuclear reactors may lead to tremendous improvement over the present-day nuclear systems. Here again, just as with magnetohydrodynamics inadequate materials are the major problems. We need to find better methods of counteracting the space charge. Fabrication techniques suitable for the extremely small tolerance involved must be devised. Solving these problems appear entirely feasible but research must be concentrated in these problem areas.

Thermoelectricity has been with us longer. The familiar SNAP generators have rendered useful service. Thermoelectric devices, however, have by no means lived up to their early promise. Materials again are the problem. There are surely thermoelectric materials with higher figures of merit than any we have found so far. We must search these out, particularly in the higher temperature ranges to give us increased efficiency and smaller size.

I have mentioned three direct conversion methods. In each case, inadequate materials are the problem. Concentrated materials research can and should lead to drastic improvements enabling the fulfillment of the high promise shown by these systems for both space and terrestrial uses.

The other direct conversion system which should be mentioned is fuel cells. Large scale development is underway for the Apollo system. The U.S. Navy is also developing such systems for possible submarine propulsion. Progress has been excellent to date in the hydrogen-oxygen fuel cell, but is the hydrogen-oxygen fuel cell the ultimate? Are there any other fuels and oxidants which might give better efficiency and greater power density? Can we utilize a hydrocarbon directly? These answers must be found through research, whose success could have a tremendous impact, not only on our space and defense efforts, but in all aspects of our everyday life.

Finally, I strongly recommend that increased study and attention be paid to various types of rendezvous systems, whether earth orbital, direct flight, or moon orbital or moon located. We must make sure that the efficiency that can be obtained through proper rendezvous procedures is not lost through emphasis on the Nova big booster and direct ascent type of program.

In conclusion, I strongly recommend development of constructive and alternate programs as a broad base of approach, with great emphasis on R. & D. in high energy fuels, chemical and nuclear, and new power systems in the now basic research field, which in the long run will reach the most efficient and economical result. As we look ahead to our approach to the productive limit on the size of the earth launch boosters and vehicles, we must carefully plan, or our space methods will be looked upon as Egyptian pyramids by the generations of the future—a fine idea, a monumental task but how useful and how productive to the progress of mankind, the advance of civilization and the disciplines of research, development, and exploration of the universe.

One Hundredth Anniversary of the Lunkenheimer Co. of Cincinnati

EXTENSION OF REMARKS

OF

HON. DONALD D. CLANCY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1962

Mr. CLANCY. Mr. Speaker, this year one of the leading industries in my district, the Lunkenheimer Co. in Cincinnati, is celebrating its 100th anniversary, and Mr. Paul M. Arnall, president of Lunkenheimer, is in Washington to accept an award on behalf of the company from the Chamber of Commerce of the United States.

Lunkenheimer started in 1862 to originate and develop valves and metal alloys for industry. Over the next 100 years, it had a deep impact on industry standards. Lunkenheimer original designs and patents are legion, and its alloys have become the basis for numerous standard specifications.

As it observes its 100th anniversary in 1962, Mr. Arnall is confident that no end is in sight for industry's constantly growing needs for new valves and alloys to meet more severe operating requirements. In the past 10 years, Lunkenheimer has added more new plant space, modernized more facilities, developed and introduced more new valves than in any similar period in its 100-year history.

Back in 1862, Frederick Lunkenheimer, a young brass foundry owner in Cincinnati, believed he could devise a valve that would solve a problem plaguing the Ohio River side-wheelers—failure of steam boilers to withstand higher pressures and temperatures as these mainstays of early commerce tried for faster speeds. A better valve had to be made to regulate pressures of more than 100 pounds; most boats had been running in the 60- to 80-pound range. Paddleboat captains hung weights on their boats' lever safety valves to increase pressure and speed, often with disastrous results. Frederick Lunkenheimer, who emigrated from Germany in 1845, put a natural genius for metallurgy to work, developed a brass which became known as "steam metal," and adapted it to his new valve. This valve's basic principle remains today, a "first" for the company, as other "firsts" have been added over its 100-year history. It established the Lunkenheimer reputation for exclusive design and for quality and efficient performance standards, and all the economies of quality valves soon were adopted by industrial plants as the Lunkenheimer line began to expand.

In just a few short flourishing years, the foundry became the Cincinnati Brass Works in 1883, the Lunkenheimer Brass Manufacturing Co., incorporated in 1889, and then in 1892, the Lunkenheimer Co. Frederick Lunkenheimer was active until his death in 1889. His designs were not forgotten. At the beginning of the 20th century, the Lunkenheimer name and its leadership in quality valves had become worldwide. Around the world, Lunkenheimer products consistently received first awards for "general excellence and superiority" in world's fairs and expositions.

Along with changing times of the early 1900's, Lunkenheimer entered into something new. In its continuing effort to broaden markets and keep abreast a growing nation's needs, the company built two experimental automobiles under the name of the Lunkenheimer Motor Vehicle Co. When aviation was coming into its own, Lunkenheimer engineering devices went into the early planes. Charles A. Lindbergh, for one, specified Lunkenheimer products in refitting his "Spirit of St. Louis" for his transatlantic flight.

This is only to mention a few of the accomplishments of the Lunkenheimer Co. over the years in the development of valves and metal alloys for industry.

One of the key reasons for the advances made within the last decade lies with Mr. Arnall, who is widely known for his insistence upon the highest product quality, the most efficient service and sound profitable operation, and considerable attention has been given to personnel as well as product developments. Furthermore, Lunkenheimer has worked in close cooperation with its industrial distributors. Representatives of these distributors study at the company's own school for industrial distributors in Cincinnati. Sales meetings and training sessions are conducted to provide distributors and their salesmen with the latest technical, application, and service information on the old reliable as well as the new and improved Lunkenheimer lines.

As Lunkenheimer observes its 100th anniversary, Mr. Arnall sees new opportunities in the research and development of metal alloys and valve designs, as technological changes in industry and explorations in space continue their advances.

We in Cincinnati are proud of the progress of this great company, and extend to its management and employees deep appreciation for their example of initiative, courage, diligence and wisdom, and offer our best wishes for the company's continued progress in the years ahead. We also extend to them our congratulations for the many and varied contributions that they have made to the general welfare of Cincinnati proper and to the surrounding communities.

Freedom's Rule Under Law

EXTENSION OF REMARKS
OF
HON. PAUL G. ROGERS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 1, 1962

Mr. ROGERS of Florida. Mr. Speaker, today is a highly significant date in the history of our Nation. It is Law Day, U.S.A., and on this day the American people are observing the fact that America preserves and guarantees the individual liberties and dignity of mankind by a code of law. Law Day reminds us as citizens that we live under a government of laws, not men; that we proceed under a system of order and tradition into a world of chaos and threatening annihilation. Law Day serves to reinforce our faith in the heritage of this Nation, and demonstrates the contrasts between our democracy and communism.

On April 7, 1961, the President approved a joint resolution passed by Congress which designated May 1 each year as Law Day. We have even greater respect for Law Day when we realize that it comes at a time when America is engaged in a struggle for survival which knows no precedent. Beginning with the Constitution and the Bill of Rights, the bulwark of America's strength has been its rule of law. To many, the law is many things. The law may be a uniformed police officer, a jail, a courthouse, or the dome of the Capitol of the Congress of the United States. To others, the law may be our national documents encased in the National Archives. To some, the law represents restrictions, and denial of selfish ambitions. But to most Americans, the law stands for protection, not hindrance, for guarantees, not confiscation.

There are some who argue that freedom and liberty exist before the law, and that the creation of laws bring restriction. Should many of man's activities be left unbridled, man would never have progressed as he has—he would have destroyed himself, instead. The Constitution and the Bill of Rights were not written as doctrines of restriction, they were written as the framework for freedom and liberty. The law which has followed in the spirit of these doctrines has made our freedoms even more secure. It is my hope, and I am sure the hope of many of my colleagues, that as the Congress acts in these troubled times, it will not lose sight of the freedoms under law which made this Nation great. I sincerely hope that the American people will not resort to short-sighted measures to counter the threats to our existence. I am sure that much of the membership joins in the hope that the defenses we adopt will not infringe on the freedom and dignity of the individual American. If we are to surrender our freedoms to combat those abroad who have none, then our gain has no mark of victory.

On domestic issues, we must continue to foster free competition, and free enterprise. The freedom to decide economic questions has allowed each American more dignity and comfort than any other man. This same freedom of choice has kept our industries efficient, lean, and increasingly productive. We have seen that private capital and the freedom to invest it affords the American people a standard of living and economic might which knows no peer. And this miracle has taken place in the short span of 186 years, which is phenomenal in the face of the ages of history.

Those institutions we have thus far preserved we must continue to safeguard. Once America abandons its founding principles, the decay of its systems are sure to follow. Americans are known for their initiative, their willingness to accept risk. Our forefathers left their homelands to escape servitude. They traded security for chance. It is not state servitude which made America great, it is the opportunity for self-pursuit.

America's economy grows. The needs of the consumer increase. Our research progresses, new products are developed for new markets. We are living in an age which fosters freedom. We are part of an age which demands that each American puts forth his finest.

And each American must also have the courage to act. We are in the face of an enemy which uses quick and silent ways. Our defenses, therefore, must be many. They range from a sound, stable economy to high-powered missiles. The constitutional power of the Congress to raise and support armies has this Nation with the strongest defense in its history. Just this session, the Congress realized the need for additional defense measures, and we appropriated $47,839,491 for our armed establishment. This sum is an increase of some $1 billion over last years' appropriation. Our armed might has never been greater, and the atomic tests this Nation now conducts in the Pacific attest that we intend to keep it that way. In addition to raising military deterrents, we must also focus our attention to those who would destroy America from within. The Communist plot to subvert freedom also includes the destruction of our legal system.

The law, our judges, our courts, and all our legal institutions reflect the social order of today. The overthrow of this order is a definite part of the Communist tactics, and their methods range from one extreme of the political spectrum to the other. Part of the Communist tactics include bitter attacks on our law enforcement agencies and public officials. The Communists accuse the Federal Bureau of Investigation and our State and local police agencies of "violating civil liberties" and "misusing constitutional rights," when they themselves are the ones who misuse our constitutional rights.

The Communists attack the Congress, and it was the Congress which recognized the Communist threat in 1950, and passed the Internal Security Act. On the other hand, our fight against internal subversion must be fortified with a positive approach to the threat, instead of one based on negativism. We in America must respect our own morals, and we must keep faith in our institutions. It is this respect which has allowed America to remain free. Compare the American respect for law to that of Communist Cuba, where men make a mockery of justice. To quote an outstanding and dedicated American, J. Edgar Hoover, Director of the Federal Bureau of Investigation:

> Our fight against communism must be a sane, rational understanding of the facts. Unfortunately, there are those who make the very mistake the Communists are so careful to avoid. These individuals concentrate on the negative rather than on the positive. They are merely against communism without being for any positive measures to eliminate the social, political, and economic frictions which the Communists are so adroit at exploiting.
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> These persons would do well to recall a recent lesson from history. Both Hitler and Mussolini were against communism. However, it was by what they stood for, not against, that history has judged them.

Mr. Speaker, May 1 is a day on which every American should marvel at the majesty of the law. On Law Day, each American should take a positive pride in his country, a positive position on its institutions, and a positive approach to its challenges. Each American should be positive, and speak his pride.

With the Constitution before us as a guideline, the law will continue to afford us the prosperity and freedom we have today.

A Report on Wilderness

EXTENSION OF REMARKS
OF
HON. JOHN P. SAYLOR
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 1, 1962

Mr. SAYLOR. Mr. Speaker, it was my privilege in the 1st session of the 85th Congress to sponsor two measures of outstanding importance to the conservation and enjoyment of our American heritage of outdoor resources both of which are coming to a common focus in this closing session of the 87th Congress. I refer to the outdoor recreation resources review bill and to the wilderness bill.

The first of these, authorizing a study, was enacted by the 85th Congress and signed into law by President Dwight D. Eisenhower. It immediately led to the establishment of the Outdoor Recreation Resources Review Commission, and this Commission submitted its report on January 31 of this year.

The other, a measure to establish a national wilderness preservation policy and a program to carry it out, is now before us as the Wilderness Act passed by the Senate last September—78 to 8—and urged upon us recently by President John F. Kennedy.

It has been my privilege to serve as a member of the Outdoor Recreation Resources Review Commission, and I have been personally concerned to see its important undertaking succeed. During these same years it has also been my continuing concern to see the proposed wilderness legislation so clarified and developed as to merit its passage by this House and its enactment into law.

From time to time I have emphasized the interrelationship of these two concerns. Accordingly, it is now especially encouraging to note the Outdoor Recreation Commission's recommendation that Congress should enact legislation providing for the establishment and management of wilderness areas and its declaration that—

There is widespread feeling, which the Commission shares, that the Congress should take action to assure the permanent reservation of suitable areas in national forests, national parks, wildlife refuges, and other lands in Federal ownership.

The objective in the management of all such areas, the Commission says, "irrespective of size or ownership, is the same—to preserve primitive conditions."

The purpose—

Continues the Commission—

of legislation to designate outstanding areas in this class in Federal ownership as wilderness areas is to give the increased assurance of attaining this objective that action by the Congress will provide.

In arriving at these recommendations regarding wilderness resources the Commission had the benefits of an extensive and detailed report on wilderness obtained on contract from the Wildland Research Center of the University of California.

This report, prepared under the direction of the Wildland Research Center's Wilderness Project Director James P. Gilligan, was published in full by the Commission on April 16, 1962, and is now publicly available as is also the Commission's own report incorporating its wilderness recommendations after study of the special wilderness report and consideration of its own studies and observations.

The one, a 246-page volume, is entitled "Outdoor Recreation for America: A Report to the President and to the Congress by the Outdoor Recreation Resources Review Commission."

The other, No. 3 of 27 study reports which the Commission is in the process of publishing, is entitled "Wilderness and Recreation—A Report on Resources, Values, and Problems: Report to the Outdoor Recreation Resources Review Commission by the Wildland Research Center, University of California."

This and other study reports, says the Commission "do not necessarily reflect the views of the Commission," but they "contributed to the formulation" of the Commission's own final report.

There is much in the wilderness report to clarify our undertaking in wilderness preservation. The extent to which mining, lumbering, and other commercial interests are involved in the preservation of our remaining areas of wilderness is indicated by the report—an extent that, in my opinion, represents no significant sacrifice if our proposals in the wilderness legislation are carried out. The report includes many excellent recommendations regarding our management of the public lands that include wilderness. The report leaves no question about the need for action by Congress.

It is difficult—

Says the report's concluding sentence—

to avoid the conclusion that new legislation specifically directed at and with clear mandates toward preserving wilderness units in both the national forests and in the national park system will be necessary if wilderness areas are to be maintained.

Among the wilderness report's recommendations is, and I read:

Congressional legislation which specifically authorizes establishment of wilderness areas within Federal agency jurisdictions, and management activities to perpetuate wilderness conditions. This should include restrictions on mineral entry, mining, and water development, limiting these activities to those clearly in the national interest.

Thus, in various ways, this wilderness report contributes to our efforts here in the House of Representatives to see established a sound national policy and program for wilderness preservation. I should like to call special attention to these contributions and for this purpose to have the report's excellent summary printed in the daily CONGRESSIONAL RECORD, introducing this, for the convenience of the Members of the House, part by part over the period of a week.

Entitled "Summary of Major Findings and Recommendations," this summary includes a few introductory paragraphs and six parts: First, "What Is Wilderness?" second, "Wilderness Resources"; third, "Potential Alternative Uses for Wilderness Resources"; fourth, "Wilderness Values"; fifth, "Future Supply of Wilderness Resources"; and sixth, "Problems in Administration of Wilderness Resources."

As the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs begins hearings next Monday, May 7, under the gracious chairmanship of the Honorable GRACIE PFOST, the contributions of the wilderness report will be especially timely, and I trust the Members of the House will look forward to a presentation of its summary in these six parts, day by day, during the coming week.

Establishment of New Academy of Food Marketing at St. Joseph's College, Philadelphia

EXTENSION OF REMARKS
OF
HON. KATHRYN E. GRANAHAN
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 1, 1962

Mrs. GRANAHAN. Mr. Speaker, America's food-marketing methods are so outstanding that countries throughout the world are studying our techniques and trying to imitate them. Know-how in this field is, therefore, one of our most important exportable skills. Under the circumstances, and in view of the interest of so many of our Federal Government departments and agencies in this field, I know the Members of Congress will want to be informed about a new Academy of Food Marketing which will open this fall on the campus of St. Joseph's College in Philadelphia, with students drawn from all parts of the Nation. It is the first of its kind in the country, and will provide a great opportunity for training specialists in this field.

A further and most commendable aim of this new institution will be to make available to nations overseas, and especially the newly emerging nations, training and the knowledge that has made our food-marketing industry so vital a factor in our economy, to the end result that the living standards of people everywhere will be bettered.

The academy will offer, as no other educational institution does, comprehensive training in specialized food-marketing studies, which will augment the traditional 4-year liberal arts curriculum.

The program and concept of the new academy stems from a successful pilot operation of food-marketing studies established by St. Joseph's College in its evening division about 2 years ago.

The academy will aim primarily to create a pool of talented graduates who have been exposed to the problems, opportunities and technology of all phases of the food industry—processing, manufacture, distribution, retailing—which will fit them for future leadership in all segments of the industry. These young

men will be well grounded not only in the complex specializations of their field, but cognizant as well of its broad, national impact and of its social and humanistic contributions.

The academy expects that while the majority of its graduates will enter the food industry of the Nation, others will go with the Department of Commerce, Department of Agriculture, foreign aid programs, CARE and such agencies, armed with the technological know-how that will be of assistance in programs projected to aid nations overseas.

The academy will render further assistance to the aim of bettering living standards everywhere through a National Reference Center, library, and research program established for the purpose of compiling, for the first time, a scientific body of knowledge in food marketing, and for the evaluation and development of concepts, precepts and practices which will enable the food industry to better serve our people.

The academy was conceived by Mr. James J. O'Connor who received the wholehearted endorsement of the Very Reverend J. Joseph Bluett, S.J., president of St. Joseph's College, and Mr. Myer B. Marcus, executive vice president of Food Fair Stores, Inc., who accepted the responsibility of chairman of the academy's board of governors.

Father Bluett has said:

The American food industry, a $78 billion business and the largest in the world, is basic to our whole national economy so that any educational service which Saint Joseph's can render to this industry will ultimately be reflected in raising the standards of living throughout the whole country.

The day is gone—

Father Bluett continued—

when standards of living can be severely compartmentalized into given countries. The day is fast approaching when any raising of living standards in one country will be reflected in all countries.

At this moment in history, two-thirds of the people of the world live and die without ever having known—even once in their whole lives—what we in America call a square meal. It is our hope that the Academy's training of junior executives who will some day inherit the leadership of their predecessors in developing and promoting our free enterprise food industry will contribute to alleviating a world situation that afflicts two-thirds of the human race.

The concept of the Academy of Food Marketing has won acclaim in educational circles of our Nation, as well as that of the food industry. Evidence of the esteem in which this academy is held by outstanding leaders of the food industry is the list of men in addition to Mr. Marcus who have accepted appointments to the board of governors. It is a virtual "Who's Who" of this industry, and includes other outstanding citizens interested in the work, such as:

Walter Annenberg, publisher, the Philadelphia Inquirer; Frank Armour, Jr., president, H. J. Heinz Co.; Dr. F. Bruce Baldwin, executive vice president, Abbotts Dairies, Inc.; Lee S. Bickmore, president, National Biscuit Co.; Leo Burnett, president, Leo Burnett Co.; Thomas C. Butler, president, Grand Union Co.; Nathan Cummings, chairman of the board, Consolidated Foods Corp.; John N. Curlett, president, McCormick & Co., Inc.; Theodore R. Gamble, president, Pet Milk Co.; Herman Heim, president, Frankford Grocery Co., Inc.; Henry B. King, president, Quaker City Wholesale Grocery Co., Inc.; R. Newton Laughlin, president, Continental Baking Co.; Mard Leaver, president, Kellogg Sales Co.; Thomas B. McCabe, Jr., vice president, Scott Paper Co.; David C. Melnicoff, president, Fels & Co.; William B. Nixon, president, Cambell Sales Co.; Frank Slaven, vice president, retired, R. T. French Co.; and Ross Yerby, vice president, marketing, California Packing Co.

The academy has also attracted attention overseas. As an example it has received a request from the French Government for the development of a specialized program for training of food marketing executives of that nation.

Among press and periodical comments on the new academy have been the following:

Progressive Grocer, in its April 1962 issue, said:

This year, college level training in food distribution reaches its highest point—the founding of the Academy of Food Marketing at Saint Joseph's College, Philadelphia.

The Philadelphia Inquirer said:

A new idea in instructional circles and a good one—is especially appropriate to Philadelphia, where food marketing is taking on larger proportions all the time—it could lead to better service at lower prices to the food shopper—and that's good news, too. Our congratulations to all concerned.

The Wall Street Journal declared:

It is no accident that so many food industry leaders have agreed to be governors of the new academy. Their presence on the board reflects the industry's top-level concern with the problems of developing management talent.

Bakers Weekly stated:

Here is a bold effort to establish new frontiers in the field of higher education.

A similar view is expressed in this excerpt from Food Trade News:

The food business has outgrown a hit-or-miss method of instruction, but up until now no one has faced squarely the problem of training a new generation of food industry executives—professionals who will bring to their job the know-how covering every facet of the business. St. Joseph's College has shown courage and vision in facing and attempting to solve a problem so closely related to the Nation's economic health.

Supermarket News stated:

[A] constant replenishment is needed in management ranks to maintain each company's progress and the momentum of the food industry itself. Under these circumstances, institutions of higher learning are now playing a role of unquestionable importance—a new and highly ambitious undertaking will be the establishment—of the Academy of Food Marketing.

Thus, Mr. Speaker, in a broad sense, the program of the Academy of Food Marketing is in effect another Alliance for Progress, through which industry and education join for the betterment of mankind.

Education, Not Bombs, Will Decide Fate of Humanity

EXTENSION OF REMARKS
OF
HON. VICTOR L. ANFUSO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1962

Mr. ANFUSO. Mr. Speaker, I was privileged to serve as chairman at a session of the Space Law and Sociology Conference of the American Rocket Society held last week at the Carnegie Endowment for International Peace Building in United Nations Plaza in New York. The session at which I presided was the luncheon session on Tuesday, April 24, on which occasion I delivered an address on the subject "Outer Space Belongs to All Mankind."

Under leave to extend my remarks, I wish to insert into the RECORD the text of my address which is as follows:

OUTER SPACE BELONGS TO ALL MANKIND

Mr. Chairman, Professor Cooper, members and guests.

It's a propitious occasion that permits me to speak in these surroundings and at this moment in history.

During the past year, men themselves and not merely their instruments have orbited the earth. At last, man has physically crossed the threshold of outer space. This feat has few parallels in history. Perhaps it compares with the discovery of fire or, in recent times, the achievement of flight through the air.

There is no need to tell this audience where manned orbital flight may lead. But, as is true of all human accomplishments, its significance for good and evil will depend on the purposes to which it is put.

The surroundings of which I spoke a moment ago are those in which the United Nations, for more than 15 years, have striven to build a world community of peace and justice. In this place, therefore, I ask your indulgence for a few remarks on the cause of international space cooperation—in which, like others here today, I have played a small but steadfast part.

In one significant respect, this meeting stands in vivid contrast to the last Conference on Space Law and Sociology, held by the American Rocket Society in New York City on March 20, 1959. As many of you will remember, international cooperation in outer space at that time was extremely limited. Although the Soviet Union had cooperated in the IGN program and had agreed to join the International Committee on Space Research (Cospar), it had refused, along with other bloc countries, to take part in the United Nations study committee on the peaceful uses of outer space. Accordingly, at the last conference, I called upon the Soviet Government to join a full working partnership of all nations in space research and exploration. Today, that plea seems closer to realization than any of us dared hope 3 years ago.

In the meantime, we have lived through many dark days for international space cooperation, when the faith of even its most ardent advocates grew dim. Beginning in the summer of 1959, I conducted a personal crusade for peace through international space cooperation and the peaceful uses of outer space for the benefit of mankind. This crusade led me to the Soviet Union, and took the form of correspondence and personal talks with President Eisenhower, Premier Khrushchev, and many leading officials and

scientists in both countries. I recommended, as I firmly believe today, that international cooperation in outer space should be fostered and expanded with vigor, especially between the United States and the Soviet Union. If these two nations work at cross purposes in the exploration and use of outer space, all mankind will be the losers. Working together in a spirit of cooperation, however, they can immeasurably benefit not only themselves but all humanity.

For many months, these words and hopes of mine appeared to fall like seeds on barren ground. Perhaps the Soviet leaders felt at that time that their country held the lead in space exploration and so needed no help from other countries. While I was in Moscow, for example, on September 14, 1959, a Soviet rocket hit the moon. At the time, this impressed everyone as a great and unmatched achievement. The very next day, it is true, Premier Khrushchev told me personally that the Soviet Union would not make any territorial claim to the moon or even to the spot where Lunik II had landed. And yet the Soviet leaders gave me little concrete encouragement in my quest for international space cooperation.

There is no need to dwell on the discouraging events that followed. In December of 1959, the United Nations established a permanent Committee on the Peaceful Uses of Outer Space. But the Soviet Union raised objections to the membership, insisted upon holding certain committee offices, and demanded that decisions be made unanimously rather than by majority vote. As a result, the Committee held no meetings until November 27, 1961—a period of almost 2 years. Meanwhile, the prospects for international space cooperation were dimmed by the U–2 incident, the Berlin deadlock, and other East-West tensions.

Then suddenly, or so it seemed, a fundamental change occurred at the end of last year. In late November and early December, informal discussions between the United States and the Soviet Union, together with certain other U.N. Delegations, led to agreement on a draft resolution which was adopted unanimously on December 20 by the General Assembly. The resolution embodies two principles: (1) "International law, including the United Nations Charter, applies to outer space and celestial bodies" and (2) "outer space and celestial bodies are free for exploration and use by all states in conformity with international law, and are not subject to national appropriation."

It is not too much to call this resolution the Magna Carta of international space cooperation.

Since then, a whole new series of exchanges on the subject has taken place between the United States and the Soviet Union, these exchanges were made at the summit, although without any face-to-face meeting of the national leaders.

The current exchange proposals for space cooperation was begun by Premier Khrushchev, who, in his congratulatory message on the Glenn flight (sent on Feb. 21, 1962), referred to the advantages that would result "if our countries pooled their efforts—scientific, technical, and material—to master the universe * * *."

President Kennedy replied on the same day, welcoming the possibility of cooperation, and informing Premier Khrushchev that he was instructing U.S. officials to draw up specific proposals which can become "immediate projects of common action." Soon afterward, on March 7, the President suggested 5 specific areas of United States-Soviet space cooperation: weather forecasting, tracking services, magnetic field studies, satellite communications, and space medicine. He also proposed discussions looking toward joint exploration of the Moon, Mars, and Venus. Premier Khrushchev expressed agreement with the President, and added three more areas of cooperation: search and rescue, a study of the legal problems of space, and an agreement to restrict experiments that might interfere with peaceful space exploration.

At present, the areas of cooperation proposed by the two leaders are being explored by technical and legal specialists assigned to work with the U.N. Committee on the Peaceful Uses of Outer Space.

I can hardly do less than applaud this development. For years, I have advocated every form of international space cooperation on which the two countries are now agreed in principle. As for the President's further suggestion for joint United States-Soviet exploration of the moon, I proposed more than 6 months ago, in a speech delivered at the 12th annual meeting of the International Astronautical Federation, that an international team, including Soviet as well as American participation, join hands for the manned exploration of the moon. I pointed out that "such a team, trained together, welded into a single operating unit, and experiencing together the glories and hardships of a flight to the moon, would symbolize dramatically the brotherhood of men and the spirit of international cooperation in the mastery of outer space." At the time I made this suggestion, it was regarded in some quarters as unrealistic or even radical. Now it is under serious study by both countries.

Certainly the current exchanges between President Kennedy and Premier Khrushchev seem very promising. The tone of Khrushchev's messages is reasonable and almost free from propaganda. No conditions are mentioned, though Khrushchev's last reply says that the scope of United States-Soviet space cooperation "depends to some extent on the settlement of the disarmament problem." It seems to me that the possibilities are encouraging and that we may well have, at last, in the not too distant future, a significant Soviet-American space effort.

Of course, there are some flies in the ointment. Khrushchev's mention of disarmament, however casual, raises doubts. Also, I'm afraid I know what Khrushchev meant when he spoke of restricting experiments that might interfere with peaceful space exploration. No doubt he was referring to Project West Ford—the controversial project for orbiting a band of copper filaments for communication purposes. Any specific comment seems inappropriate while Project West Ford is under active consideration by the U.S. Government. Yet it may be pertinent that the celebrated Soviet scientist, Peter Kapitza, recently suggested the use of outer space for "the disposal of waste from atomic reactors." While this is not a new suggestion, it receives a certain sanction when it comes from a scientist of international standing—who, furthermore, holds a high position (director of the Institute of Physical Problems) in the Soviet Academy of Sciences. Perhaps the critics of Project West Ford think that it would leave outer space as cluttered with copper hairs as the floor of an unswept barbershop. We can equally well ask Kapitza why he wants to use outer space as a garbage can.

What would happen, for example, if a Kapitza rocket loaded with radioactive waste fell back to the earth, scattering its contents far and wide?

In general, it seems to me that outer space, like the waters and air of our own earth, will become polluted unless its users exercise care, and that unnecessary pollution is something to avoid. I would suggest, therefore, that all countries engaged in space activities give serious thought to the avoidance of space contamination and waste.

Many people have speculated about the reasons for the current Soviet interest in space cooperation with the United States. Why did Khrushchev respond so favorably this time, after turning a deaf ear to specific proposals in the past, though he had always expressed approval of international space cooperation in principle? Of course, we can never know for sure, but I think the probable reasons are not hard to find.

One obvious reason is the success of John Glenn's flight around the world. Rightly or wrongly, as I said before, the Soviet leaders believed for a while that their country led the world in space exploration. Then came the Glenn flight. To quote the Speaker of the House, the Honorable JOHN MCCORMACK, Glenn's historic flight broke the spell that Soviet space achievements had laid on world opinion. It shattered the delusion of Soviet space superiority and with it the myth of Soviet leadership in advanced technology and the space sciences. In short, it has become obvious that there is something to gain from partnership with the United States in space exploration.

A second reason, mentioned by Khrushchev himself, is the high and growing cost of space achievements. The exploration of outer space is costly—so costly that only the United States and the Soviet Union have been able to afford it on a large scale. We hear that the manned exploration of the Moon will cost more than $30 billion. Even this price tag will only cover the first stages of exploration. The establishment of scientific stations, the exploitation of natural resources—let alone colonization, if that occurs—will cost still more. And what will it cost to explore Mars, Venus, and the farther planets? The economic burdens involved will be too great for any nation to bear alone. International cooperation is no longer merely desirable: It has become imperative.

For that reason and for many others, I believe we should vigorously pursue the possibilities of space cooperation with the Soviet Union, always taking care to safeguard our vital interests and those of the free world.

In addition, I should like to suggest some steps for this country to take at the same time and with equal vigor.

First, as we make common cause with the Soviet Union, we should establish and strengthen an even closer and broader bond of space cooperation with other countries of the free world, especially with other members of the NATO alliance. We are already doing so. The pace and scope of this effort must be greatly increased. As some of you may know, the members of the U.N. Committee on the Peaceful Uses of Outer Space recently visited Cape Canaveral, at my suggestion, to witness preparations for the launching of the first international satellite, the U.K. 1.

More than 40 countries are now cooperating to some degree in the American space program. In addition to the United States-United Kingdom scientific satellites, sounding-rocket programs are underway, notably with Canada and with Italy. Many NASA tracking stations are located on foreign soil. The results obtained by the Tiros weather satellites have been made freely available to the whole world. These are encouraging first steps: they should be continued and extended.

Secondly, the mounting effort I recommend should be built on very broad foundations—indeed, on the whole dazzling structure of advanced technology and scientific knowledge. Like General Sarnoff, I should like to see a free world community of science, focusing its resources on the most pressing human problems. The work of such a community would extend beyond space exploration. It would tackle, for example, the problem of adequate world supplies of fresh water, food, and power.

In this connection, I favor greater emphasis on the form of international scientific cooperation recently recommended by the United States-Japanese Committee. This proposal requires a brief explanation. In the past, the U.S. Government has generously supported scientists of other countries in the hope that their work would produce results of universal value. Under the United States-Japanese Agreement on Scientific Cooperation, concluded last June, joint research teams will be set up to work on problems of common interest. Both countries will contribute men, materials, and money. This is a new and promising approach to international scientific cooperation. It deserves a fair trial and, if it proves effective, extension to space research, exploration, and perhaps such practical applications as weather forecasting and worldwide communications.

Lastly, the wellsprings of scientific knowledge must be replenished through better and broader education. It is education, not bombs or rockets, that will decide the fate of empires.

This problem is domestic as well as international. In the United States, I believe, the Federal Government has failed to play its full part in supporting education. I tend to share the view, which is prevalent in the scientific community, that the Federal Government, having created big science and the present shortage of technically trained manpower—by its lavish and increasing support of scientific research and development—bears at least a moral obligation for the educational consequences of its policies and acts. The time has come to recognize that obligation.

This presents a challenge for a prodigious national effort to strengthen and enlarge our educational capabilities.

There is probably no one right way to meet this educational challenge. I have personally advocated a National Science Academy, or an Institute of Science and Astronautics, established by the Federal Government: and I have introduced bills in Congress, and held many days of hearings, for that purpose. Much could be done, however, short of such Federal institutes—by State and local governments, by universities and research laboratories, by private industry. The important point is that something badly needs to be done, very soon and on a large scale.

Internationally, we should try to make the best use of our scientific and technical manpower. In science and in space exploration, capabilities should be fitted together for maximum results without regard to nationality. Furthermore, education can effectively be promoted on an international scale by such means as joint research teams, increased scholarships and fellowships, and educational exchanges. At present, there are 100 NASA fellowships for foreign students studying space science and engineering in the United States. This is good, but it is not good enough.

In conclusion, I would say that outer space belongs to all mankind in more than a merely physical sense. Its abundant by-products of wealth and security—a whole new world of technology and scientific knowledge—are equally for everyone to share. Parenthetically, I believe that the mastery of outer space may bring world peace as well as abundance. The Chief of Staff of the U.S. Air Force, General LeMay, recently remarked that "* * * space capabilities may bring about the technological disarmament of nuclear weapons."

By the same token, the nations working together can best solve the problems, while reaping the fruits, of this new age. Their efforts should extend to all major fields of science, and be deepened to comprise the strengthening and broadening of education. Otherwise, the peoples of the world will be denied the full benefits of man's promethean thrust into outer space.

Problems Affecting the Individual Indian and His Property

EXTENSION OF REMARKS
OF
HON. E. Y. BERRY
OF SOUTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 1, 1962

Mr. BERRY. Mr. Speaker, the Easter recess provided an opportunity for me to review many of the problems that affect the individual Indian and his property. Following this survey I wrote a rather full and complete letter to the Commissioner of Indian Affairs.

Because all of these problems are of great interest to every Member of Congress I have asked consent to insert the letter together with the footnotes included in the RECORD. Omitting the formal parts the letter follows:

The basic cornerstone in President Kennedy's Alliance for Progress in South America is a program of land reform. The plan is that the large estates and plantations and land holdings must be broken up and divided up among the less fortunate people, so that everyone has some property or an interest in property.

This philosophy is as old as man's experiments in economics. It was given a thorough test on the Indian reservations in North America. Here, lands were allotted to each Indian. In most allotted reservations each Indian was given 160 acres on the assumption that he would move onto that land, farm it and make his home.

The planners of those days forgot that all Indians could not become successful farmers any more than all non-Indians could be successful farmers. The result was that those who did not wish to use their lands for farming purposes decided to dispose of it.

It was then the Federal Government stepped in again—this time to tell the Indian he could not sell his land unless he was found by Bureau standards to be competent to handle his own affairs, unless the sale would not in any way jeopardize the communal interests of the tribe as a whole and unless the sale was conducted under rules and regulations laid down by the Federal Bureau and the proceeds of that sale disposed of under the jurisdiction of the Bureau of Indian Affairs.

Down through the years the Federal Government has shifted its position back and forth, depending upon the whims and ideas of those in power, but always extending greater authority of the Federal Government over the property of the individual. Each time, of course, that more authority was assumed over the individual's property it was justified on the theory that it was for the benefit of the individual Indian. The result has been that through the process of benefit after benefit the Indian allottee and his heirs have completely lost any and all private rights in his property.

There is no system of government in the world today that is more completely socialistic than the Federal system that has been evolved on the Indian reservations in the United States today.

LAND LEASES

As one example, the Bureau, in its wisdom, has on the allotted reservations devised a leasing system known as the unit allocation system. All allotted, and communal or tribally owned lands, within this established area are advertised for lease on a 3-year basis. Experts in land use, who are employed by the Bureau, determine what the overall carrying capacity of that unit shall be and the minimum the Bureau shall charge for lease of allotted lands which generally determines the lease rate for communal or tribal properties, as well.

In this range unit the owners of all lands receive the same lease compensation regardless of the value of their particular allotment. The Indian owner, with live water on his allotment, receives the same compensation as the Indian owner of stony, semibarren hilltop land.

The unit is generally offered for lease at public auction with a right of renewal with a provision in the permit that in the event an Indian livestock owner may decide he wishes to take over the unit he may do so at any time during the life of the permit and in most instances he may do so at the minimum appraised grazing value.

On most allotted reservations an Indian operator may file for any unit without being required to bid, in which event the Indian allottee receives not the value of his grazing but the price appraised by some range "expert." Although there is a constant claim by the Bureau that it leases only lands wherein the allottee has given to the Commissioner a power of attorney, in actual practice the execution of a power of attorney is on all fours with the choice the United States Steel Co. had in determining their prices. Every method of coercion is used to force the allottee to comply with Bureau prices and Bureau regulations. Should the allottee refuse to sign a power of attorney to the superintendent he is denied any right of use to his own land, other than for his own private personal use. If the allottee only owns an undivided heirship interest, he is not permitted to use the land even for his own use without obtaining permission from all of the interested heirs.[1]

CONFORMITY REQUIRED

In this connection, someone in the Bureau decides which Indian shall be given the opportunity to succeed. If it is decided that an Indian livestock owner should have a certain unit it makes no difference that the owner of land in that unit may wish to use his own land for the purpose of improving his own economic standards. He is required to conform.

I call your attention to the case of Moses Runs Against on the Pine Ridge Reservation in South Dakota, an Indian who is fully competent, owns 960 acres of allotted land, and tried to sell part of his land to finance the purchase of cattle. The Department refused the request. A non-Indian operator offered him $1,040 per year for the 960 acres. His land, however, was placed in a unit and assigned to an Indian operator. The Agency sent him a check for $282.18.

Moses Runs Against was informed that he must sacrifice his interests to the interests of the Indian "chosen by the Department" to succeed. In other words, he was forced to personally subsidize another Indian rather than use his own property for his own benefit and his own advancement.[2]

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[1] Dec. 27, 1961, letter from Standing Rock Agency, re SR–135, p. 2: "In regards to the request of Mr. Tiger, wanting to do his own leasing, this, of course, is not possible, as long as the land remains in a trust status."

[2] Mar. 14, 1962, letter from John O. Crow, Deputy Commissioner, BIA: "This is essentially a matter of individual leases versus grazing permits on range units. The regulations provide that Indian rangelands suitable for inclusion in range units may not be leased individually by the owners. The permit system, based upon these regulations, was inaugurated in the early 1930's to correct a very bad leasing situation and to provide conservative use of the Indian range. Prior to the permit system there was considerable

As I stated at the outset, the President has served notice on the land barons of South America that they must institute a land reform program, that their land holdings must be divided up among less fortunate people, giving each some property or interest in property. Indians in North America would be materially better off if the same principles were applied here.

Another instance—an Indian allottee refused to permit his land to be placed in a grazing unit because it was good hay land and he could get much more revenue by saving it for hay. He was advised, however, by the Bureau that the hay must be harvested by himself. Not owning sufficient equipment himself, he hired a non-Indian to put up the hay and paid the non-Indian on the basis of $15 per ton until the cost of the hay harvest was paid. The Agency stepped in, took over the hay, sold it to someone else and deposited the proceeds to the allottee's account. It was paid to him as the Agency decided it should be disbursed. In other words, his contract was summarily revoked by the Agency simply because he did not *personally own* the necessary equipment to do the harvesting.

The Agency reported to me, "The record of this matter seems clear that the Agency acted to prevent the use of Indian trust land without proper authorization." They also told me they were having trouble with this Indian because "he refuses to conform."

When the Founding Fathers established a system of government in this country to provide the utmost of freedom and opportunity they failed to take into account that certain forces would in later years be put to work at guaranteeing security for certain groups and along with that guarantee of security would come the responsibility of the work norm, or the rental norm in this case, which compels conformity of all, and that with this compelled conformity, individual rights, individual privileges and individual opportunity is, of course, sacrificed. Socialism? Totalitarianism? Where? Here in America.

LAND DISPOSAL

Because these Indian people have no place to go for help in their problems they are required to contact their Congressman. In my office I have about 200 files where Indian landowners, most of whom are competent, have been trying for years to get a patent to their land or sell their land so they can get some benefit from it.

Many of these Indian people are fully competent, many of them live off the reservation, are holding responsible jobs, are as competent and able to handle their own affairs as the thousands of employees in the Bureau, but bureaucracy, redtape and delay are used by the Bureau to discourage them and wear them down in hopes that they will eventually give up and let the Bureau continue to handle their affairs and their property. Of course, if the Bureau loses its jurisdiction it loses its argument for annually increased appropriations and for increased staffs and employees. I have picked only a few of the dozens and dozens of similar cases but in all of them the pattern is the same. Let me refer to only a few.

Ellene Hoyle, OS–6650. She made application for a supervised sale September 19, 1958. I contacted the Agency. They reported on September 25, 1958, that they were requesting an appraisal. On January 16, 1959, in reply to my inquiry they reported, "We will include this tract in one of our advertised sales provided the tribe cannot negotiate a purchase of the tract." On March 11, 1959, they reported to me, "The tribe is proposing to buy this tract as soon as funds are available from a loan of revolving credit funds to the tribe which is to be used for the purchase of land." On April 27, 1959, they made almost an identical report. On September 23, 1959, they reported, "All necessary documents are now being prepared for the signatures of all the heirs." On February 5, 1960, they reported, "Due to a limitation of funds the tribe has not been able to complete transaction." On April 27, 1960, they reported, "As soon as funds are available tribe will include this tract with other purchases being made." On July 15, 1960, they reported, "Tribe does not have funds at present time." On September 3, 1960, they made the same report. On January 24, 1961, the same was reported. On February 28, 1961, they reported, "We plan to include this tract in sale No. 12." On April 28, 1961, they reported, "Tribe will purchase when funds are available." On August 29, 1961, they reported, "Sale to tribe pending acceptance of three Rosebud heirs." On October 13, 1961, they reported, "Lacking the signatures of two heirs before case can be submitted to area office." On January 9, 1962, they reported, "We are lacking the signature of one heir before it can be submitted to area office."

Although this woman has not lived on the reservation since she was a child, and her home is in Minneapolis, Minn., and she has made her own living all through the years, has no use for the land, she has been trying for almost 4 years to get this land sold. The Department has wasted the manpower of my office and their office in another of their constant efforts to retain jurisdiction over this property.[3]

Another instance. Ernest Bad Horse, also of Pine Ridge, OS–2650. On January 24, 1958, the Pine Ridge Agency reported, "The appraisal report should be completed soon." On March 14, 1958, "Appraisal was requested August 27, 1957." On July 25, 1958, "Will include in sale No. 7." December 10, 1958, "Same." January 16, 1959, "Same." On February 20, 1959, "Tract will be purchased by tribe when funds are available." April 27, 1959, "Same." September 23, 1959, "All necessary documents are being prepared for signature of heirs." February 5, 1960, "Tribe short of funds." April 27, 1960, "Funds have not been obligated for purchase by tribe." July 15, 1960, "Tribe does not have funds." September 3, 1960, "Same." January 24, 1961, "Same." April 28, 1961, "Will be included in sale No. 12." On August 29, 1961, "Same." October 3, 1961, "Tract will be included in our next advertised sale." January 9, 1962, "Same report."

The truth is, the tribe does not have the funds and probably will not have the funds, which is a well-known fact to the Bureau. No special effort is being made by the Bureau to help the tribe get funds nor will they permit Bad Horse to sell his interest in the allotment to anyone else.

It should be pointed out that the Agency had collected at least $10 at the time Bad Horse was permitted to file his application. This is true of every supervised sale application on the Pine Ridge, yet little effort is being made to give any service to the Indian landowner.[4]

'checkboard' leasing of key tracts resulting in extensive trespass on lands not leased, or leased by others. The permit system has brought about orderly management and conservation of rangelands in units which is not possible to obtain under individual farm-pasture leases.

"It is true that there are instances where prospective lessees are willing to pay more for key parcels of lands within an established range unit. To approve such leases would break down the unit system."

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[3] Ellene Hoyle, OS–6650; sale to tribe:

"She has an interest in OS–6650. Jennie Charges Enemy for which an application for a supervised sale has been submitted. A request for an appraisal was made on Sept. 19, 1958," Agency report dated Sept. 25, 1958.

"We will include this tract in one of our advertised sales provided the tribe cannot negotiate a purchase of the tract," Agency report dated Jan. 16, 1959.

"The tribe is proposing to buy this tract as soon as funds are available from a loan of revolving credit funds to the tribe which is to be used for the purchase of land," Agency report dated Mar. 11, 1959.

"The tribe is proposing to buy this tract as soon as funds are available from a loan of revolving credit funds to the tribe which is to be used for the purchase of land," Agency report dated Apr. 27, 1959.

"Allotment of Jennie Charges Enemy. Oglala Sioux tribal purchase. All necessary documents are now being prepared for the signatures of all the heirs," Agency report dated Sept. 23, 1959.

"Allotment of Jennie Charges Enemy. Due to a limitation of funds the OS tribe has not been able to complete this transaction," Agency report dated Feb. 5, 1960.

"As soon as more funds are received for land purchasing, the tribe will include this tract with the tracts being purchased. The heirs have not yet all signed the deeds," Agency report dated Apr. 27, 1960.

NOTE.—This allotment appeared in the land committee meeting minutes July 1, 1959, as a tract which the "tribe will purchase."

"The OS Tribe does not have funds with which to purchase land at the present time," Agency report dated July 15, 1960.

Same as above, Agency report dated Sept. 3, 1960.

Same as above, Agency report dated Jan. 24, 1961.

"We plan to include this tract in sale No. 12," Agency report dated Feb. 28, 1961.

"Tribe will purchase when funds become available," Agency report dated Apr. 28, 1961.

"Sale to the Oglala Sioux Tribe. Pending acceptance of 3 Rosebud heirs," Agency report dated Aug. 29, 1961.

"Sale to the OS Tribe. We are lacking the signature of 2 heirs before we can submit the case to the Aberdeen area office," Agency report dated Oct. 13, 1961.

"We are lacking the signature of one heir before it can be submitted to the Aberdeen area office," Jan. 9, 1962.

[4] Ernest Bad Horse, OS–2650; sale to tribe: Feb. 18, undivided interest in land; 25 heirs. Case pending since 1954 per Superintendent Towle's letter, June 1, 1960.

"The appraiser has inspected this tract and the appraisal report should be completed soon. We hope to advertise this in the next land sale," Agency report dated Jan. 24, 1958.

"Allotment of Big Woman, OS–2650. An appraisal of this tract was requested on Aug. 27, 1957. To date we have not received a complete report," Agency report dated Mar. 14, 1958.

"Will be included in sale No. 7," Agency report dated July 25, 1958.

"This tract will be included in sale No. 7," Agency report dated Dec. 10, 1958.

"This tract will be included in sale No. 7," Agency report dated Jan. 16, 1959.

"This tract will be purchased by the tribe as soon as funds are available from a loan of revolving credit funds to the tribe which is to be used for the purchase of land," Agency report dated Feb. 20, 1959.

"This tract will be purchased by the tribe as soon as funds are available from a loan of revolving credit funds to the tribe which is to be used for the purchase of land," Agency report dated Apr. 27, 1959.

"Allotment of Big Woman, Oglala Sioux tribal purchase. All necessary documents are now being prepared for the signatures of the heirs." Agency report dated Sept. 23, 1959.

"This will be a sale to the OST but due to a limitation of funds at the present time

METHODS OF DELAY

Another example, while it is not of such long standing, is the case of Mrs. Caroline E. Packard, of Rapid City, OS–181. This woman and her husband live in Rapid City, are good workers, make their own living, and are able to handle their own affairs. On April 9, 1962, the Agency advised me, "It has been determined that Mrs. Packard does meet all qualification standards for receipt of a fee patent and her program for making use of the proceeds of the sale is sound. We have requested an appraiser's judgment as to what lands of similar characteristics in the vicinity of her tract have been bringing on the open market. When we receive his report the executive committee of the OS Tribe will attempt to negotiate for tribal purchase of her tract. Mrs. Packard's land is situated within a range unit which the executive committee may wish to hold intact for allocation to an Indian loan client. For this reason we believe that she should give the tribe a chance to purchase it before selling it to a non-Indian but that is a matter for Mrs. Packard to decide."

It should be pointed out that the tribe has been without funds to buy many of these other tracts for 3 or 4 years and yet the Bureau is delaying and deferring another applicant with the same timeworn excuse.[5]

These are a few of probably 75 examples I have pending in my files where I have been attempting to be of assistance to these people without avail.

On the Rosebud Reservation, Noble Moore, RS–1922. The Department reported on December 12, 1961, "A determination was made that Noble Abraham Moore was competent to manage unrestricted title to his land and the prudent use of proceeds from any sale thereof. Although it is our belief that Noble Moore is competent to manage his affairs, we did not recommend that a patent be issued, because we believed the alienation of trust property in this area may have an adverse effect on proposed industrial development." The land is leased for grazing to a non-Indian. Mr. Moore resides in Rapid City and is making his own living, is fully competent, but the Bureau holds his land under guardianship with the excuse that better use can be made for communal purposes than in permitting him to maintain an individual property right.[6]

Ray Louis Coffee withdrew from the tribe in July 1952. He was given a patent to one quarter of land and has four more applications pending. He is no longer a member of the tribe but has been denied a patent on the basis that his lands are in a consolidated area and should be retained as a part of the commune.[7]

Mr. and Mrs. Isaac Afraid of Bear, RS–6589. The Agency reported to me on February 28, 1960, that the land was being appraised. On June 13, 1960, "Awaiting further administrative action." On July 20, 1960, "Needs more processing." On June 7, 1961, "Case to be processed further." On August 18, 1961, "Set for negotiated sale, awaiting further processing." On October 12, 1961, "Same." January 15, 1962, "Same." February 9, 1962, "Same." Possibly someday they may get around to advise us that they have decided to buy the land for communal purposes but for 2 years nothing has been done.[8]

These are only a few of dozens of cases I have in my files where the poor Indian owner can do nothing but wait while bureaucratic redtape gives him further excuses why his land sale is delayed. He has no other appeal except to me and even my efforts have proven of little avail in most instances.

TRIBAL CONTROL

Worse than all of this, through my letters prodding the agencies, we finally got a number of cases on the Rosebud Reservation ready to close and then the tribal council passed a resolution requesting a moratorium on land sales and patents in Todd and Mellette Counties. No action has been taken by the Bureau on any land sale applications since April 1961. The sad thing is that under the Bureau regulations if an application is more than 6 months old it is necessary to go through the whole process again—2 more years of my writing to the Agency, the area offices, back to the Agency and back to the area office, with each of them explaining the cause for this delay and that delay. It is difficult for many of these Indian landowners to understand how the tribal council can, by a simple resolution, tie up their private individually ownd lands and property, even though they are completely competent, purely for communal purposes.

Another method that is being used by the Bureau to stalemate any property right in private land is where there are between 2 and 100 heirs and the tribe, at the suggestion of the Bureau, purchases the undivided interest of 1 of the heirs. When this is done, the entire tract is completely tied up forever because, under the law, tribal property cannot be sold. The purchase by the tribe of one one-hundredth interest accomplishes the Bureau's purpose of subjugating forever the property rights of the other heirs unless at some future date the tribe obtains sufficient money to buy the property interests of the balance of the heirs.

Land sales and patents on the Standing Rock Reservation have been at a standstill for the past 2 years because of the fact that through its rehabilitation program, with funds obtained from settlement of the Oahe landtaking, the tribe has funds with which to purchase allotments in the consolidated areas.

The case of Anita Yellow Earrings Janis, SR–229 is illustrative of 50 or 75 cases on the Standing Rock in which the last report we received said, "Selected for tribal purchase. Will be processed with other applications filed in early 1960." The case is still pending, along with many, many more.

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the tribe has not been able to complete a purchase of this tract," Agency report dated Feb. 5, 1960.

"Funds have not been obligated for the purchase of this tract. As soon as more funds are received, it will be included with the tracts being purchased," Agency report dated Apr. 27, 1960.

"The OS Tribe does not have funds with which to purchase land at the present time," Agency report dated July 15, 1960.

"The OS Tribe does not have funds with which to purchase land at the present time," Agency report dated Sept. 3, 1960.

"Proposed tribal purchase. The tribe is presently without funds with which to purchase land," Agency report dated Jan. 24, 1961.

"Will be included in sale No. 12. A date for the sale has not yet been determined," Agency report dated Apr. 28, 1961.

"Will be included in sale No. 12. No date has yet been scheduled for the sale," Agency report dated Aug. 29, 1961.

"This tract will be included in our next advertised sale. A date has not yet been scheduled for the same," Agency report dated Oct. 3, 1961.

"Will be included in our next advertised sale. A date has not yet been scheduled for the sale. (Providing upon review that it is determined that this action is in the best interests of the applicant.)" Agency report dated Jan. 9, 1962.

Going on sixth year. See attached letter.

Also, on July 29, 1959, a deed was signed, transferring title from the heirs of the allottee to the tribe.

Also, in land committee meeting minutes July 1, 1959, this allotment appeared as a tract which the "tribe will purchase."

[5] Mrs. Caroline E. Packard, Rapid City, S. Dak., OS–181; fee patent application: Lizzie Shot to Pieces allotment (land in Shannon County).

"It has been determined that Mrs. Packard does meet all qualification standards for receipt of a fee patent and her program for making use of the proceeds of the sale is sound." But they state further, "We have requested an appraiser's judgment as to what lands of similar characteristics in the vicinity of her tract have been bringing on the open market. When we receive his report the executive committee of the OS Tribe will attempt to negotiate for tribal purchase of her tract. Mrs. Packard's land is situated within a range unit which the executive committee may wish to hold intact for allocation to an Indian loan client. For this reason we believe that she should give the tribe a chance to purchase it before selling it to a non-Indian but that is a matter for Mrs. Packard to decide." If Mrs. Packard is willing to sell to the tribe by negotiated sale is money available for the purchase? Agency report dated Apr. 9, 1962.

[6] Nobel Moore, RS–1922B: On Dec. 20, 1961, the Rosebud Agency advised me by letter that "On Dec. 12, 1961, a determination was made that Nobel Abraham Moore, Jr., was competent to manage unrestricted title to his land and the prudent use of proceeds from any sale thereof. Although it is our belief that Nobel Abraham Moore, Jr. is competent to manage his affairs, we did not recommend that a patent be issued, because we believed the alienation of trust property in this area may have an adverse effect on proposed industrial development."

RS–2988, Rosebud Agency report Jan. 5, 1962: "To be reviewed again in the light of recent stated policy of the Bureau." Supervised sale and had been awaiting inclusion in sale advertisement, Todd County.

[7] Ray Louis Coffee, RS–1940, RS–6436, RS–1202, RS–4260; fee patent applications: four patent applications pending. Indian withdrew from tribe in July 1952. In April 1953, patent application denied on basis lands in consolidated areas. Apparently after a lot of rigmarole this patent covering RS–1247 was issued. Now the Department on three applications is denying him right to sell his land.

RS–1940: "Awaiting further processing, Todd County," Agency report dated Jan. 5, 1962.

RS–6436: "Awaiting further processing, Todd County," Agency report dated Jan. 5, 1962.

RS–1202: "Awaiting further processing, Todd County," Agency report dated Jan. 5, 1962.

RS–4260: "Fee patent recommended," Agency report dated Jan. 5, 1962.

[8] Afraid of Bear, Mr. and Mrs. Isaac Mosher, S.D., RS–6589; (husband gets $13 monthly disabled pension. Had been hospitalized, heart and diabetes, and wants proceeds for home for wife.) Contacted E. Y. BERRY Feb. 28, 1960; land not appraised.

"Awaiting further administrative action before processing further," Agency report dated June 13, 1960.

"Needs more processing," Agency report dated July 20, 1960.

"Case to be processed further," Agency report dated June 7, 1961.

"Negotiated sale. Awaiting further processing," Agency report dated Aug. 18, 1961.

"Negotiated sale. Needs further processing. Todd County," Agency report dated Oct. 12, 1961.

"Negotiated sale. Needs further processing," Agency report dated Jan. 5, 1962.

"Negotiated sale to RST member. Needs further processing," Agency report dated Feb. 9, 1962.

Mabel Red Legs, SR–4516. The Agency reported, "Selected for purchase by tribe, November 22, 1960. Will be processed as sale to the tribe." Still waiting for action.

HEIRSHIP LAW DISREGARDED

In this connection, it should also be pointed out that there is a vast amount of heirship land on the Standing Rock. Two years ago, when the Congress passed the Settlement Act, they included an heirship provision authorizing the Bureau to clean up these estates upon the signature of 25 percent of the heirs. Nothing has been done.

On the Cheyenne Reservation, all land sales have long been held in abeyance.

The tribe is without money to buy these allotments but refuses to authorize the sale on the ground that these allotments can be used for communal purposes and the tribe would like to buy them, if they could obtain the necessary funds. The standard report from the Agency is, "We have no authority to advertise land at the present time. We are unable to advise when the next land sale will be held."

Bert Yellow Hawk, CR–744, is a retired Army officer, has not lived on the reservation for 20 years, is fully competent, and his land is surrounded by deeded land, yet the Agency claims to have no authority to advertise this land for sale at the present time.

Another excuse offered by the Bureau is on heirship. When an estate has been probated and all of the heirs are fully competent, they find one that can be questioned and they turn down an application for land sale on this ground. If there are 50 heirs to an estate they have no difficulty in finding one whose competence is questionable.

One of many, many cases in point is Asa Steele, OS–2552, where the Agency said on April 25, 1961, "The mere fact that all of these people have agreed, or are in favor of a supervised sale does not place on this Agency a freedom of action to comply without determining whether the sale is in the best interest of all concerned." In this instance, last November one incompetent heir agreed to have the proceeds placed in irrevocable trust. The Department reported that the sale could now go forward. As of today, nothing has been done. Soon the appraisal will be 6 months old and a new appraisal will be required before the sale can be held. By that time another heir will have died and the Bureau will have accomplished its purpose in holding the land for another generation, with none of the property owners benefiting from their so-called property rights.

SUMMARY

My reason in reviewing these 200 files in my office and making this report today is because these people constantly write me; they want to know why they cannot dispose of this land, take the proceeds, apply it on the purchase of a home in some community where they are now living, where they now have a job and where they intend to continue their residence. Others want to know why they are not permitted to use their own property or lease their own property or get the most revenue from their property that it will produce.

In brief, these Indian people are unable to understand why a great bureaucracy should be permitted to completely control their lives and their property, forcing them to subsidize other members of the tribe for communal purposes, denying them the right to dispose of their property, denying them any right or any domain over their property, when they are as competent to handle their own business as are many of the Bureau employees who are establishing these policies.

The individual Indian is unable to understand why the tribal council should have authority to set his lease prices, to establish a range unit out of his land, to require the Bureau to withhold a 5 percent tax to be used by the tribe in hiring employees who are doing the work that the Bureau is required by law to do. These are some of the problems of the individual landowner. I present them to you and ask what you, as the Commissioner of Indian Affairs, intend to do to correct them.

Loyalty Day Program at Valley Forge Military Academy, Wayne, Pa., Saturday, April 28, 1962, 10 a.m., Sponsored by the Veterans of Foreign Wars of the United States

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EXTENSION OF REMARKS

OF

HON. JAMES E. VAN ZANDT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1962

Mr. VAN ZANDT. Mr. Speaker—

No spot on earth, not the plains of Marathon, nor the passes of Sempach, nor the place of the Bastille, nor the dykes of Holland, nor the moors of England, is so sacred in the history of the struggle for human liberty as Valley Forge.—CYRUS TOWNSEND BRADY.

In keeping with the spirit of the annual observance of Loyalty Day, May 1, the Veterans of Foreign Wars of the United States sponsored an inspiring program at Valley Forge Military Academy, Wayne, Pa., Saturday, April 28, 1962, at 10 a.m. This fine program was one of the thousands of similar observances conducted by the Veterans of Foreign Wars throughout the Nation.

The purpose of the Loyalty Day program was ably explained by Mr. William J. Tepsic, past commander, Department of Pennsylvania, Veterans of Foreign Wars of the United States, and National Loyalty Day chairman.

I was pleased to accept the invitation to deliver the principal address and was preceded by Thomas L. Husselton, U.S. Treasury Department, who gave a thought-provoking speech emphasizing the importance of U.S. savings bonds and especially during the Freedom Bond Drive in May and June. He commended the Veterans of Foreign Wars in behalf of the U.S. Treasury Department for adopting the slogan, "Buy an Extra Bond," as part of its nationwide Loyalty Day campaign. Another speaker who spoke briefly was Brig. Gen. Rothwell H. Brown of Freedom Foundation.

Following is the address of Mr. Thomas L. Husselton and the address I delivered titled "The Significance of Loyalty Day":

LOYALTY DAY ADDRESS

(By Thomas L. Husselton, Director Sales Staff Development, U.S. Savings Bonds Division of the U.S. Treasury Department, at the Valley Forge Military Academy, Wayne, Pa., Saturday, April 28, 1962)

Today our principal confusion is our confusion of principle. It is extremely encouraging therefore to have the Veterans of Foreign Wars call all Americans everywhere to rededicate themselves to one of the principles that has made this Nation great—loyalty to and faith in this God given land of ours.

Every American worthy of the name wishes to express his loyalty; wishes to show his faith in his country, but most of us are confused. Confused by the enormity and complexity of the problems confronting us. Most of us look at them and say "But what can I, one small individual, do that will have any effect?"

I submit that when that feeling arises we should think back to the men who hallowed this ground at Valley Forge. When General Washington began that ghastly winter, the entire Continental Army numbered 16,000 men. At the conclusion of that winter the Continental Army numbered 3,600 men only 2,200 of whom were effective. Desertions took a great toll but 3,000 men are buried out there, only one of whom has a marked grave. These men assumed a great responsibility. They gave everything to their country. They did not ask it to give to them.

Just a few years before a small group of men in a city nearby pledged their lives, their fortunes, and their sacred honor, that this Nation should be free. They too assumed responsibility. They did not ask their country to give to them. They gave to their country and this country became free.

In her profound article "Lessons From the Past," Miss Edith Hamilton, the eminent Graeco-Roman scholar wrote these words.

"When the Athenians finally wished not to give to the state but the state to give to them when the freedom they wished most for was freedom from responsibility then Athens ceased to be free and was never free again."

Is there not some relatively easy way for every American to effectively assume part of his responsibility—to give to his country rather than asking it to give to him. Yes there is. And the Veterans of Foreign Wars point the way in their Loyalty Day program. They are saying in effect what better way to tangibly express our loyalty than by buying an extra U.S. savings bond during the Freedom Bond Drive this May and June?

Do you realize that if every American family would buy one extra savings bond of even the smallest denomination the total would be about $1 billion?

Do you realize that saving just 31 cents a day for 61 days will buy a U.S. savings bond?

Can you think of a better way to show to the world that we are loyal to our country? That we have abiding faith in it, that we are proud of our heritage and acknowledge the God given principles that have made this Nation great?

Individually perhaps buying an extra savings bond is not a great and heroic deed, but if all of us were to do so it would be an enormous contribution to our economic well-being and an unparalleled demonstration of our love for our country.

We must be strong economically or we cannot be strong militarily because of the costs of our defense efforts.

We must be strong economically or we cannot be strong spiritually, for hungry men fall easy prey to any ideology that promises better things.

The Treasury Department expresses its appreciation to the Veterans of Foreign Wars for making "Buy an Extra Bond" a part of its nationwide Loyalty Day campaign. And we ask every American family to invest in an extra savings bond during the Freedom Bond campaign.

Will you accept this small responsibility to help keep this Nation free?

When the Americans finally wished not to give to the state but the state to give to them when the freedom they wished most for was freedom from responsibility, then America ceased to be free and was never free again.

LOYALTY DAY ADDRESS

(By Representative JAMES E. VAN ZANDT, Member of Congress, 20th District of Pennsylvania, at the Valley Forge Military Academy, Wayne, Pa., Saturday, April 28, 1962)

THE SIGNIFICANCE OF LOYALTY DAY

To address the student body of Valley Forge Military Academy is an honor which is especially welcome to anyone who has—as I have—a profound and abiding faith in the youth of our Nation and in the American way of life.

Also, I am especially proud to have this opportunity to greet my good friend and your superintendent, Lt. Gen. Milton Baker. Since 1928 he has been a dedicated head of this academy and his career reveals him to be a top-rank educator, scholar, and citizen.

Frankly, Valley Forge Military Academy is fortunate, indeed, to have the benefit of the leadership of such a distinguished American.

It is our objective on this occasion to speak of Loyalty Day and its significance in our time. This is a natural subject to approach in this environment.

Your character-building program, which is a part of the purpose of this academy, has the term "loyalty" well defined in an honor system—a sense of fair play and a competitive educational program.

I do not need to tell you that the courses offered here are preparing you for a loyalty of the highest type. Loyalty to one's country is deeply imbedded in your curriculum.

May 1 marks the annual observance of Loyalty Day, sponsored by the Veterans of Foreign Wars of the United States.

It was to combat the infiltration of the Communist evil in this country that Loyalty Day was born. It was created at the demand of thousands of members of the Veterans of Foreign Wars who made their voices heard in the Congress of the United States.

It was my privilege as a Member of Congress to introduce a House joint resolution in 1958, which in simple language designated May 1 as Loyalty Day and called for its appropriate observance by the people of this Nation.

Since July 18, 1958, when the President of the United States affixed his signature to the measure, May 1 of each year has been officially proclaimed as Loyalty Day. This day belongs to all Americans. It signifies that we stand steadfast in support of those principles that we hold most dear—freedom, partiotism, and pride in our country.

I believe the public is becoming more and more conscious of the work of the Veterans of Foreign Wars in promoting Loyalty Day celebrations throughout the Nation.

This particular Loyalty Day celebration is especially enhanced by the very nature of our geographical location—we are close to Philadelphia—where in the early days of this Nation were written some of the most sacred chapters of our history and heritage.

As we observe Loyalty Day, every citizen should pause to ask himself the question, "What does loyalty really mean?" Does it mean only that you love America's mountains, lakes, and the ceaseless supply of material gadgets that make our way of life comfortable? I hope not. I also hope the concept of loyalty is not a society where merely to disagree is to be disloyal.

Periodically in the press, from the lecture platform, and, in fact, from most sources which seek to influence public opinion, there comes forth emphatic pleas for a higher, finer, and more noble loyalty.

But all too often we do not learn what loyalty really is. It is not a trite comment to ask, "What is loyalty?"

There is a definite need for an adequate appreciation of what constitutes the American spirit. A nation can be no greater than the people who are its citizens. Hence, its basic ideals and purposes must retain their splendor and meaning if effective public welfare is to remain a public trust.

In simple sincerity I give you the following thoughts that are advanced in the belief that an enlightened citizenry is any country's finest security.

Loyalty is fundamentally undying faith in our great Republic. It is not socialism, fascism, communism, or any other "ism." The real American believes implicitly in equality of opportunity for all men, regardless of race, color, or creed.

He will judge his fellow citizens by what they are, not by what they have or what they claim to be.

The real American is a proponent of fair play and cooperation. He is a firm believer in the Golden Rule: "Do unto others as they do unto you."

More than flag-waving emotionalism, loyalty is fortified in the individual by a reservoir of commonsense, which permits both balance and a sense of perspective in viewing the affairs of state.

Loyalty involves familiarity with our country's history; it involves training in the responsibility of government.

True to the heritage of freedom, loyalty causes a man to fight for the right with his life, if need be, but always with the cherished dream in his heart of the beauty of peace.

One of the greatest tests of loyalty, to my way of thinking, is one's day-to-day respect of the rights of one's fellow man:

(a) Your neighbor's right to voice his own opinion.

(b) His right to privacy.

(c) His right to his own property.

These basic freedoms are the heart of our loyalty to the great American ideals of Washington, Jefferson, and Lincoln.

It is ironic, indeed, that the Communists, who preach peace and freedom, live in terror:

(a) Terror of their fellow citizens.

(b) Terror to speak their minds.

(c) Terror of the midnight knock at the door.

Loyalty for them is not in their hearts. No, it is a gun in their backs.

History has shown us that down through the ages the battle has always been between two faiths. On the one side the faith of the conqueror:

(a) The faith based upon military ambition and personal power.

(b) The faith in blood and the sword.

(c) The faith based upon war, hatred, and inequality.

This is the type of faith by which Alexander, Caesar, Napoleon, and Hitler rose to power—only to fall. They fell because somewhere a small band of men had a different faith.

It was a faith based upon the inherent rights of the citizens; a faith that believed in the principles of equality, liberty, and sanity. And the scroll of history has shown that always this has been the greater faith.

We could just as easily substitute the word "loyalty" for the word "faith" in what I have just said.

So we have a loyalty based upon the inherent rights of man—a loyalty that believes in the principles of equality, liberty, and sanity. This type of loyalty has always been the harbinger of freedom.

Our loyalty must not consist merely of gay slogans, marching bands, flying flags, or shouting threats. It must be the loyalty of love and fellowship—not hate and fear.

It must be a loyalty based upon beneficial achievements in our social, economic, and spiritual life.

Loyalty demands—along with the understanding of the history of our country—that we not be afraid to replace the outworn, the impracticable, and unjust laws with laws that serve every citizen's modern needs, are useful, and above all, are just.

We must expect change to come in an orderly fashion. But to assume a self-appointed duty to change any written law is against our form of government. We must proceed in an orderly fashion.

We must move with zeal. But not be fired with folly. Any rebellious mood in this great Republic tends to wreck it rather than to build it. Frankly, the role of the fanatic is destructive.

Our lawmakers are charged with a serious and sacred responsibility. They are required to be faithful to their conscience, guided by the will of their constituents. But, above all, once they take their seats in the chambers of our legislative bodies—be it at State or national level—they must move ahead undisturbed by the selfish coercion of any special group or class.

The sovereignty of our legislators must remain paramount at all times.

History reveals that out of chaos our forefathers brought forth an orderly way of life.

Therefore, at all hazards we must "keep cool and calm" and move dispassionately in any of our undertakings.

Loyalty demands that we obey the laws of our country. For laws are made for the guidance of every man and woman living in a domain. Without them there can be no smooth existence of society. To disobey them is to advocate anarchy.

After fitting ourselves to be desirable and loyal citizens, we must expect and demand an honest administration in every branch of government.

Laxity in our own individual character is bound to reflect in everything around us.

Cynical men say a republic of freemen cannot be honest and efficient. But we know in our hearts that an honest government is simply the reflection of an honest people.

Among the multitudes of virtues by which we can demonstrate our loyalty we should observe self-reliance.

From our forefathers we inherited this great Republic that has proved to be a land of golden opportunities for advancement in every way.

We need not deny that with all the faults and imperfections lurking in the American way of life, we have made miraculous advances in proving the influence of self-reliance.

Several years ago a story came from the west coast that one of its shore towns—Monterey, Calif.—was a veritable Garden of Eden for pelicans. There fishermen cleaned their fish and fed the refuse to the pelicans. In the course of time the pelicans became so lazy that they would no longer fare forth to capture fish for themselves. Eventually, however, the refuse of the fish was utilized in other ways and the pelicans no longer had their source of food handed to them, so to speak.

But they had, in the meantime, become so listless that they were slowly starving. Someone finally hit on the idea of going farther down the coast and capturing some vigorous new pelicans and placing them among the semistarving pelicans. These new pelicans flew over the sea and captured their food, thus stimulating the hungry and decrepit pelicans to follow suit. Before many weeks had passed they had regained their former activity and robustness.

This story has many ramifications and applications to human conduct and affairs.

There was a time when it was necessary for the people of our country to exert a tremendous amount of self-reliance in order to survive. I believe that self-reliance is an important ingredient, not only for progress and survival, but is germane to America's formula for loyalty.

We must be very cautious, however, to guard ourselves against the experience of the pelicans.

Too much Government intervention, too much being done for us, too much lack of self-reliance—all these can enter the area of human endeavor and destroy the very lifeline of our republic before we are aware of such encroachment.

May I further remind you that all too often when self-reliance disappears loyalty to one's country is endangered. Therefore, we must not be tempted to become afflicted with a malady which is prevalent in a national life that is devoid of self-reliance.

In our anxiety to alleviate any economic pains we can easily destroy our moral fiber that is more precious than any material gain.

Americans have been exceedingly busy "living" in this age of jet and space travel and have too often taken loyalty for granted and forgotten it.

Upon genuine loyalty rests the destiny of mankind. But we must sacrifice. We must sacrifice our prejudices at the altar of national welfare. Prejudice that is akin to hatred—is poisonous in any analysis. It destroys the very individual.

The individual citizen's thoughts and actions are the very warp and woof of our national well-being.

We must sacrifice blind following. We cannot be tools in the hands of any political authority. We must put patriotism—American loyalty—above party.

For decades the people of this Republic of ours were never confronted with more serious and fundamental issues than are now apparent in this changing and troubled world.

Therefore, loyalty was never at a greater premium. Mark you, the fortunes of our freedom are in the balance. The enemies of our form of government are ever alert and working to destroy us. It is for us who profess loyalty to be alert and working.

Unless we respond to the deadly challenge to American ideals, the lurking dangers of communism will destroy us. Yes, unless we dedicate ourselves to a new birth of freedom, it may be too late.

Finally, our thoughts on this Loyalty Day 1962 must confirm our faith in that new birth of freedom.

Yes, we must show the world by our conduct what it means to be loyal citizens of the United States of America.

In short, by our undying faith in the principles of this great Republic—we can help provide an answer to the stirring prayer:

"God give us men
A time like this demands—
Strong minds, stout hearts, true faith, and ready hands;
Men whom the lust of office does not kill;
Men whom the spoils of office cannot buy;
Men who express opinions and a will;
Men who have honor;
Men who will not lie!"

The Campus: Left? Right? or Neither?

EXTENSION OF REMARKS
OF
HON. JEFFERY COHELAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 1, 1962

Mr. COHELAN. Mr. Speaker, the increasing interest in politics on the part of college students across our country is being widely discussed today. A particularly thoughtful examination of this growing interest and its significance has been made by our very able colleague the gentleman from Indiana [Mr. BRADEMAS]. His article, entitled "The Campus: Left? Right? or Neither?" appeared in the New York Times Sunday Magazine on April 22, 1962.

Congressman BRADEMAS, who was formerly a college teacher and who currently serves on the House Education and Labor Committee, makes several important points regarding the university student's attitude toward politics. Among other things he emphasizes that because the crucial function of political parties in our democracy is to reconcile conflicting views on controversial issues, young people who will become the political leaders of the future must recognize that responsible and effective political action means action through our two great political parties.

Mr. Speaker, I wish to compliment our distinguished colleague from Indiana [Mr. BRADEMAS] for his literary industry and I commend his excellent article to all Members:

THE CAMPUS: LEFT? RIGHT? OR NEITHER?
(By JOHN BRADEMAS)

In this time of mass higher education, when leadership in government, business, labor, and every other segment of our society is recruited increasingly from the ranks of college graduates, the extent of political sensitivity on the campuses is worth considering.

When the peace marchers came to Washington a few weeks ago, they provided a well-organized demonstration of American college students engaging in political action. Some 4,000 young people picketed the White House to express their concern over the threat of nuclear war and to make their plea for disarmament. Their effort was completely nonpartisan, neither Republican nor Democratic.

I venture to suggest that it was an accurate reflection of the new generation's mood. The American college student today cares increasingly about political issues, but is cool toward political parties.

It has become fashionable to contend that conservatism is the new political wave sweeping the campus. The militants of the Young Americans for Freedom and the Intercollegiate Society of Individualists see themselves leading a return to the right. The list of rightist college publications may be growing and the flow of oratory by would-be Barry Goldwaters mounting, yet the students who act rather than talk, the peace marchers and the freedom riders, do not take their inspiration from the John Birch Society or even from the much less rabid National Review. I think it more correct to say, therefore, that the intensity of student interest in politics has increased on both ends of the political scale, left and right.

Here it ought to be noted that the great majority of American college students remain apathetic toward politics. I suspect they do so for several reasons. Some may feel that political activity should come later, following their education; others, that it is impossible for a student in our national tradition to participate in politics in any significant way. Many are simply preoccupied with plans for their private lives—a good job with a good firm with a good pension plan and the pleasures of suburbia.

It is of the student activists, however, that I want to speak. I believe that many analysts have missed the meaning of the political ground swell which has brought the sit in and the peace march by discussing student attitudes in traditional terms of liberal and conservative, Democratic and Republican.

It is more useful to try to understand the significance of this direct action in politics as contrasted with party activity than to attempt to plot the curve of student political opinion. In pronouncing on the politics of the American college student, I make no pretense to perfect knowledge, but I have been more than a curious bystander.

I was a member of the post-World War II college generation and can attest that few of my preoccupied contemporaries regarded politics with more than indifference. In the midfifties, I taught at Saint Mary's College at Notre Dame, Ind., and during recent years I have talked to students on a number of campuses. Several college students have worked as internes in my Washington office and I have met with hundreds of others in the church and college groups that come to Washington in ever-increasing numbers.

As a member of the House Education and Labor Committee, with a special interest in higher education, I made two trips abroad last year which enabled me to observe university students in Latin America and the Soviet Union and gave me a broader perspective on the American college student as a political animal.

Congressman ROBERT N. GIAIMO, of Connecticut, and I went to Argentina to look at higher education there and to recommend ways in which the United States might cooperate more effectively with Latin American universities to further the objectives of the Alliance for Progress. We quickly learned how radically different is the political role of the Latin American university student from that of his North American counterpart. The Latin American student participates with enthusiasm and the sanction of tradition in both the internal politics of his university and the political life of his nation.

At the University of Buenos Aires, for example, 55,000 to 60,000 students elect from their own ranks one-fifth of the members who sit on the superior council of the university. This power means that students on some occasions may try to influence what research the university should undertake, or even strike to oust a professor.

As for student involvement in national politics, Congressman GIAIMO and I had a taste of this when we went with U.S. Ambassador Roy Rubottom to visit the University of Córdoba. We were in the law library when the doors swung open and a group of 20 young people strode in. One of them, a young man in his twenties, went up to Ambassador Rubottom and rudely declared, "Señor Embajador, repudiamos el imperialismo norteamericano."

"We support Fidel Castro," he cried, as the group stamped out of the room, shouting "Cuba, Cuba," and showering us with mimeographed sheets which, in extravagantly left-wing language, attacked the United States, all our recent Ambassadors to Argentina, John Foster Dulles, and the United Fruit Co.

It would be unfair to conclude from this incident that all, or even a majority of, Latin American students are hostile to the United States. But the event does dramatize the fact that students there are far more likely to indulge in political demonstrations than they would be in our country.

In the Soviet Union, on the other hand, students appear to be almost entirely docile. It is true that a crowd of students in Moscow may turn up at a Western embassy to riot and throw ink bottles, but the indignation is obviously engineered. The idea of several thousand Moscow University undergraduates parading through Red Square to protect Soviet nuclear testing is clearly unthinkable.

Indeed, politics in the Soviet Union does not exist in the sense in which we use the word. What impressed me in my conversations with English-speaking Soviet students was their political apathy, a quietism that suggested an acceptance of a regime which rewards the individual if he is conscientious and obedient, and is prepared to punish him if he dissents.

For example, I talked with two English-speaking undergraduates at a Soviet university, Natasha and Olga, one a student of English and the other of theater production. Both girls wanted to talk about plays, playwrights and American jazz—"Death of a Salesman," Tennessee Williams and Dave Brubeck—rather than politics, Soviet or American.

Natasha belonged to the Komsomol, or Young Communist League, but was obviously not much interested in its activities. Olga was not a Komsomol member: "I don't want to go to all those meetings," she said, "I want to be free."

The contrast between the political circumstances of the Latin American and Soviet students is so sharp that it helps considerably to define the political situation of the student in the United States. He has more choice than the Russian, less influence than the Latin American. Between these extremes, then, how does the American student behave politically?

I have indicated my quarrel with the view that conservatism stalks in lonely splendor across the American campus, and have contended that there has been a rise of interest on both ends of the political spectrum. I must add, by the way, that the spectrum is not nearly as broad in the United States as elsewhere. There is, after all, no serious Communist or Fascist movement in American universities today.

If the campus liberals direct their protests against the arms race and segregation, the new student conservatives seem chiefly motivated by a desire to fight communism and the Federal Government, which in some cases one feels they do not trouble to distinguish between. It is clear that both fighters for peace and fighters for Katanga want their voices heard, and if the cries of the student right are more shrill today, it is probably because they are still more displeased with the Kennedy administration than are their counterparts at the other end of the scale. If Mr. Nixon were now in the White House, I have little doubt that the more strident complaints would come from the flaming liberals of the campus.

Much more significant, it seems to me, than the relative degree of liberalism or conservatism of the American college student is his attitude toward politics itself. Most notably, the genuine concern which many young people feel about nuclear disarmament and civil rights, on the one hand, or international communism and the welfare state, on the other, has not led to any widespread commitment to activity within our two major political parties.

It is not unusual to hear students say they see no difference between the two parties. Although I would argue that differences—important ones—do exist, it is true that both parties have in recent years attempted to occupy the political center. This is one of the reasons that those students who are the most militant, self-proclaimed conservatives or liberals tend to move to extreme positions and regard the parties as too temperate.

But also it seems to me that many students do not understand the crucial function of political parties in a democracy. They regard any kind of adjustment of conflicting views on highly controversial issues—which after all is one of the chief purposes of our political parties—as only cynical.

"I suppose you must have to compromise a lot" is a remark querulously put to many a Congressman who talks seriously with college students about his job. There seems to be little understanding that, if there were no "compromise," a House of Representatives with 437 members would explode.

This is another way of saying that today's students who care—and care deeply—about issues are impatient with the give and take, the horse-trading, that is characteristic of, and indispensable to, the functioning of representative democracy.

On the crucial issues of disarmament and civil rights, many of the most politically and socially sensitive students reject any solution but their own. They seek simple answers to highly complex questions.

Here is a good example of what I mean. The college students from my own district who came to talk to me during the week of the peace marchers gave me a copy of their letter to President Kennedy opposing the resumption of nuclear testing. One paragraph of the letter said: "We do not pretend to be aware of all the complications of political decisionmaking, but we would remind statesmen that Government action must be based upon moral considerations and not merely upon expediency or precedent. In doing so, we do not wish to offend, but merely to present our views as honestly as possible."

The important problem to these concerned students apparently was not so much that a difficult decision should be made wisely but that they should present their "views as honestly as possible"—that stating what they thought "as honestly as possible" somehow discharged them of any responsibility for the difficult decision that had to be made.

Charles Burton Marshall, in his excellent little book "The Limits of Foreign Policy," might be speaking to this generation of college students when he writes:

"We Americans tend to make these things too simple. We admire Davy Crockett's terse formula: 'Be sure you're right; then go ahead.' That is much too facile for purposes of world politics. The best we can expect is some such paraphrase as this: Be as sure as you reasonably can of the rightness of your premises. Take care as best you can to see that the conclusions which you draw from them are tolerably right. Take adequate account of the legitimate interests and viewpoints of others. After you have done your best to meet these obligations, go ahead as far as the circumstances taken as a whole warrant, getting others to go along as far as you can."

Few students look at politics this way.

One result of their highly moralistic approach is that they now express themselves on a very limited range of issues—usually ones on which it is possible to take a simple, ethical uncomplicated position.

Last year at Harvard University, for example, I found many students anxious to tell me the iniquities of the House Un-American Activities Committee but none who showed the slightest interest in unemployment or housing, aid to education, medical care for the aging or even foreign trade policy, all of which issues, I suggest, affect the lives of Americans as deeply as the operations of the House Un-American Activities Committee. All these problems, however, are complex. To understand them requires more facts than even the intelligent college student will busy himself to learn.

I do not say that the best lack all conviction—only facts. Unfortunately, many American college students are short both of information on major political issues and, worse, of the curiosity to acquire it.

I do not mean to disparage what the freedom riders or the peace marchers are doing. They are genuinely concerned and, moreover, have the courage of their concern. Freedom riders and the students in the sit-in movement have already had a significant effect on our society.

So I heartily applaud the passionate intensity with which many university students are today responding to the terrible issues which confront us. But passionate concern is not enough. To be politically effective, the American college student must understand more clearly than he does today, first, that there are no simple answers to these complex problems; and, second, that political parties remain our primary instruments for dealing with political issues.

The fact that American parties are imperfect and that politicians have shortcomings must be obvious to the most casual observer. This is no reason, however, for young people to turn their backs on either party activity or a career in politics. I suggest it is essential that the universities and colleges turn out men and women at least some of whom are educated for political leadership. In our democracy this means leadership through parties.

The young men and women we must educate for citizenship in a democracy should be willing to consider another point of view without necessarily discarding their own. They must understand—and the schools and universities must do a better job of teaching them—the real nature of the political process. They must learn adjustment, negotiation, and compromise, which are the stuff of democratic politics.

They must learn that, with all its shortcomings, the two-party system has been an extraordinarily effective instrument for political change in our country.

Equipped with this understanding, they will realize that, as Pierre Mendes-France once said, "To govern is to choose." It is to make a decision between alternative courses of action and not simply to present one's views as "honestly as possible."

It is from among young men and women who have this understanding that America will find the political leadership we require in this world we never made.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MAY 2, 1962

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Psalms 146: 10: *The Lord shall reign forever unto all generations.*

Almighty God, the source of our life, and the guide of all our pilgrim days, as we now wait on thee in prayer, may we learn the wonder of Thy grace and goodness.

Beyond the dark clouds that often obscure our sight we know that the sun is still shining in all its splendor and that behind all the tangle of our human affairs Thy beneficent purposes are being fulfilled.

We penitently confess our many failures and broken resolutions but may we never cease from moral and spiritual strife, daring to hope and believe that Thou reignest and wilt cause peace and righteousness to prevail everywhere among men and nations.

Hear us in the name of the Prince of Peace. Amen.